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PROHIBITION AN ADVENTURE IN FREEDOM

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PROHIBITION, AN ADVENTURE IN FREEDOM

Prohibition, An Adventure in Freedom

By

HARRY S. WARNER

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HOW LIBERTY WRITHES UNDER CIVILIZATION, HOW THE INDIVIDUAL IS LOST IN THE CROWD AND SMOTHERED UNDER THE VAST APPARATUS OF MODERNITY, HOW HE SIGHS FOR THE SIMPLE LIFE AND UNTRAMMELED SELF-DEPENDENCE OF THE SAVAGE IS AN OLD STORY. IT IS ALSO AN OLD DELUSION

L. T. HOBHOUSE.

INTRODUCTION

Prohibition of the liquor traffic in the United States of America is the result of more than one hundred years of education, agitation and legislation,—and the greatest of these is education, even though both the logical and chronological crown of the great reform is legislation.

If any mistake has been made by the leaders of the Cause in recent years, it has been the easing up on the educational process while stressing the necessity of obedience to law. "This ought ye to have done, and not to leave the other undone." Without a vital and intelligent public opinion laws become a nullity and Constitutions scraps of paper. It is impossible to capitalize society so strongly that its accumulated moral strength will not subside and ultimately end in bankruptcy unless it is renewed in each new generation. Hence each generation is confronted with the task of saving society.

Therefore, we of the generation who know from personal experience and observation the beneficent change that Prohibition has made are wicked and slothful stewards of a sacred trust if we do not pass on to the rising generation a knowledge of the moral, civic and social conditions as they existed in the old days, plus a knowledge of the

long, hard struggle in the Nation's upward climb to the high position it now holds on this important question. A knowledge of the multifarious attempts that have been made to solve the liquor problem—the hundred years of experimentation, of trial and error, and finally the deliberate adoption of Prohibition as the only adequate solution of the problem—such a knowledge will save the rising generation from letting the Nation slip back into the slime.

And such knowledge may be gained by a study of this book. I unqualifiedly recommend "Prohibition, An Adventure in Social Democracy" to the youth of our land, and of all lands, and to the parents and teachers and guides and friends of youth. This book is the best presentation of the subject from a historical point of view that I have yet seen.

DANIEL L. MARSH.

Boston University, August 25, 1928.

PREFACE

It is the hope of this discussion to strip away from the conflict about alcoholic drink now going on in the United States some of the lesser but more spectacular aspects, now so much at the front, and to get down to a study of its permanent meaning in the past and future of the country. Whether the effort to prohibit the traffic by law can be expected to make for greater human happiness and freedom, or whether it is itself an additional and unnecessary burden on liberty and the joy of living, are questions not adequately considered in the controverted public discussion now going on.

What is back of National Prohibition? To what may it reasonably be expected to lead in the future? Too much concentration of feeling or viewpoint on the happenings from day to day may conceal or distort the real questions at issue. Ordinary discussion touches only a part, often the least important part of this subject. For, as a recent psychologist says, "The newspapers, because of popular demand, print the unusual, the thrilling; facts which on account of their wide departure from the average may be called abnormal. By so doing they obey one of the fundamental laws of interest to be true, but they also create an impression representative of less than five per cent of the existing condi-

tions." It would seem that a wider study of some of the other 95% of facts and conditions might be especially helpful, just now, while the controversy is going on, to help determine the deeper drift and the more permanent truth. Day-by-day events have their value in showing the surface direction of the current; but there are also cross currents and return currents, so numerous that the direction of the main stream often is not apparent at first sight. And the unfortunate fact is that most people can not, or do not, think beyond first impressions.

Discussion of this larger view of the American prohibition movement is pertinent, indeed, when it is noted with what intensity the whole question of the place of alcohol in modern civilization is being raised thruout the world by the action of the United States, by its anticipated commercial consequences, and by the first-hand experiences of other great nations themselves with war-time liquor restrictions and prohibitions in their own countries. Also, by the results of scientific investigations in recent years, as to the effects of even moderate drinking under the intense industrial and swift city living conditions of the present and future.

HARRY S. WARNER.

I

AN ADVENTURE IN SOCIAL DEMOCRACY

The people of the United States are in the midst of an undertaking that is new in the experience of self-governing peoples. It is what might be called an experiment in Social Democracy—an appeal to drastic legal action as a part of a general movement toward the removal of a well-recognized and long-standing social evil.

For nearly two centuries the people of this country have been making experiments in Political Democracy; new forms of personal freedom, new methods of self-government, new extensions of the franchise, one after another in steady succession have marked the progress of American history from colonial days down to the present decade. Ever since 1787, when representatives of the thirteen colony communities came together and faced frankly the necessiy of forming a union, and then, out of the hard facts of that necessity, as well as out of their common interests and the abundant freedom of a new continent in which to experiment, formed a type of government that revolutionized many governmental systems of the world, these experiments in Political Democracy have been occur-

ring. They have come, too, usually, after careful consideration and in response to intense desire to adapt forms to the changing realities of everyday living.

But the experiment now being undertaken is very different from those that have gone before. It is an attempt to gain relief from a social, rather than a political or legal form of oppression—to gain a new form of freedom. It is an effort to remove from the everyday life of the country the well-recognized evils accompanying an age-old social institution, the use of intoxicating liquors as a beverage.

This liquor problem is and long has been world-wide. The story of "drink," its joys and sorrows, parallels everywhere the story of humanity, from savagery to twentieth-century civilization. Its place in the community and its desirability or undesirability to individual and community have been subjects of keen controversy in the United States for over a century. Its advantages and disadvantages under modern living conditions are now being discussed. There is much serious questioning about it in all modern nations. The trade in intoxicants long has been recognized, in this country and others, as one attended by peculiar difficulties and social dangers, and as such requiring special public supervision, regulation or control. In the many efforts to adapt it to changing conditions or eliminate its attendant social dangers, there have

been periods of earnest effort to prevent excess and to alleviate its unfortunate consequences. These have been followed frequently by appeals to government for assistance; local, state and general governments have given assistance in the form of control or limitation or restriction. Now the national government of the United States has been instructed by constitutional act to proceed to the permanent banishment of the traffic in alcoholic liquors from the country as a whole. Such an undertaking is a new event in the history of democratic self-government. Whatever its outcome, it has more than ordinary significance among forward-thinking peoples. For it contemplates a new order of civilization, a modern society free from the general use of intoxicating liquor and the adoption of new ideas and social assumptions corresponding with the forms of society that may be expected to follow from the removal of alcoholic drink. It properly takes its place among the great world experiments now being made and the world changes now going on.

An Experiment Undertaken

In the thought of many American people, and even more in the eyes of the world, the adoption of National Prohibition in the United States is an experiment in a unique sort of social restriction. To some it comes as a new and severe limitation on the

freedom of personal conduct; to others, as a step toward greater freedom, or toward a better understanding of the meaning of liberty itself; to yet others as an indication of a change in the quality, rather than the quantity, of individual freedom; and to many more as an acknowledged limitation on individual action in exchange for a desired improvement in the social welfare in which the individual himself will share.

However wide may be the divergence of opinion as to whether any such limitation is justified or not, there is yet wider agreement that the disorders which the remedy seeks to cure have been outstanding in the life of America. Both legal prohibition and the conditions that led to such drastic action are experiences intimately connected with the every-day life of all the people of this country. These facts give vast proportions to the undertaking. While the remedy proposed is purely American, the situation that it seeks to improve prevails thruout the world today, and has so prevailed for centuries. Heavy drink problems are found, with few exceptions and minor variations, among all peoples and nations. The social and personal burdens from alcoholic excess are age-old and world-wide; the struggle to escape these burdens is a human struggle, not limited to certain countries or races or climates. For the drink tradition has come down from the barbaric days of practically

all modern peoples; its complexities have grown thru the ages; its worst consequences are seen in the most highly developed, the most commercialized, the highest politically organized peoples. So "the experiment" by the United States, especially because of the growing place of the country among the nations today, is bound to have deep meaning to the social and economic life of many other peoples as well.

Since the undertaking brings to prominence what seems to be a conflict between the sacred right of individual liberty and the no less sacred welfare of the community of individuals, thoughtful men have taken very different positions about its place in the growth of human freedom and happiness. It is referred to by one American university president as "not only a violation of the principles upon which our government rests, but a revolutionary departure from them;"[1] by another as "a marked infringement of personal liberty coming at a time when personal liberty is in danger and when the infringement of personal liberty is dangerous for democracy."[2] On the other hand it is regarded as "the greatest social experiment of modern times,"[3] as a means to a new sense of freedom[4] and as one of the three greatest events of this generation "judged by the standards of world history," as Prof. Gilbert Murray of Oxford, from his more distant view calls it; as "a means to secure liberty

from a great slavery," by a noted British health expert[5] and as "the most important upheaval of the European war period," by Prof. Guglielmo Ferrero, Italian historian.

Altogether the legal banishment of the commercial liquor traffic in this country and its going into effect under the conditions following the World War, have made of it a gigantic world experiment to determine whether a people, by voluntary democratic action, may free itself from a popular and personal blight and at the same time preserve the individual citizen's freedom necessary to the best use and development of personality in a modern democratic state.

The prohibition movement culminated in national action in an atmosphere colored by war emotions. It is being given its first years of serious testing in one of after-war slump in ideals and break-up of established standards, as is usual following great wars. It is but natural that there should be much questioning. Did the people of the United States know what they were doing when they adopted this new policy? When they made it as sweeping as it is? Did they really mean it? Is the complete banishment of alcoholic drink the sincere desire of the United States? Did the Amendment and its supporting laws come in response to that deeper sort of public opinion that grows out of intelligent experience and the character of a self-responsible

people, or was it the result of a wave of emotional enthusiasm, or was it "put over" on a reluctant minority without due consideration of the rights and privileges of that minority? What significance is there, if any, in Chesterton's jibe, "America began with the Declaration of Independence and ends with Prohibition?"

It is a question of increasing importance whether this undertaking does, or does not, in fact, reflect the deeper and more permanent tendencies of popular government in this country. No phase of the subject can be more vital or immediately practical. Any study that helps to a better understanding of this question should be useful, even while the conflict is going on. For it would hardly be assumed by those who seek truth, rather than to promote propaganda, that such a movement as the American effort to banish alcoholic drink, culminating as it did in a National Constitutional Amendment, could be understood without considerable knowledge of its background, of the situation that preceded it, of the ills it sought to remedy, of the attempts made in less drastic ways toward the cure of these ills, of the history of the movement against drink, of the growing social consciousness of the drink burden in community and state and of the long-developing antagonism toward the most notorious drink institution, the saloon. Discussion of what happened in the period of 1912 to 1920 is

very partial and well-nigh useless if what preceded it is not taken into account. No estimate of any important phase of the situation today or of the attitude of the people, pro or con, is of much value if the broader tendencies, many of them extending back thirty to fifty years and others a century, are left out of the story. For national prohibition did, indeed, seem to culminate suddenly, and at a time of abnormal passion and patriotic devotion stimulated by a world war and just as the United States was entering that war. But the ideas, experiences and movement of which it was an expression had all gained their character and strength at least a half century earlier.

The Field of Experimentation

For many years in nearly all modern nations serious questioning about the general use of alcoholic drinks has been increasing. Efforts to reduce excess and to find methods of relief or cure have been undertaken continuously. These are especially earnest and varied in the countries which owe their origin to the races of Northwestern Europe and in the home-lands of these peoples themselves. Both the seriousness of the problem as a personal, social and industrial fact, and efforts toward finding effective methods of restraint and cure have been appreciated in these countries the world around.

But it is among the English-speaking peoples of North America that conditions for the growth of public opinion against intoxicating drink have been most favorable. Here there has been greater freedom to break away from tradition and to undertake new adventures; the individualism and religious ideals of the colonial days, coming down thru the years, are powerful factors in the background of the anti-drink movement of a century in both Canada and the United States. In spite of the heavy personal excesses that often marked the earlier years or "the wild West" of a later period or the yet more recent massing in great cities, the consequences of drink, on the whole, have not been as burdensome in this country as in the home-lands from which the North American peoples came. The per capita consumption of alcoholic drink has not at any time reached the average of that in European countries. Yet, from various causes, there grew up here a far-reaching reaction against alcohol and the liquor traffic that deserves thoughtful consideration.

The growth in the United States of the *idea* of banishing intoxicating drink from every-day social life is a phenomenon of great interest. Its beginnings are found in the first years of the republic, a hundred years before it culminated in national legal expression. It started from a very keenly recognized need, from a knowledge gained by first-

hand experience of the serious havoc being wrought by drink among the families of drinkers and of the community burdens resulting therefrom. Its origin and early development were connected closely with the character and make-up of the "old American stock," descendants of the colonial period, and the people of similar customs, psychology and race, who came into the country during the first half-century of its history as an independent state. The drink banishment idea was modified greatly by the later immigration, especially at two periods, one, previous to the Civil War, and the other at the close of the century. And it was associated in personnel and thought for a half-century very closely with the moral and economic movements against duelling and slavery and for the enfranchisement of women.

No country on earth could be more suitable for such an experiment than is the United States. Its wide range of climate gives opportunity to test the significance of this factor as to excess, moderation or self-control; abundant natural resources and greater economic freedom than in other drinking countries make it possible to bring out its connection with problems of poverty, labor and the distribution of wealth; the newness of the country weakens in advance the force of tradition and gives new ideas and customs freedom to grow; and the presence within the country of large aggregations of people from the major nationalities and races of

Europe, Africa and Asia, makes it possible to study, to some extent at least, the reaction of each to the solution proposed, and to think of the whole undertaking in terms of broad, human meaning.

(1) *The Diversity of Peoples*

Into this laboratory of social experimentation there have come during the years strains of many peoples, each bringing its characteristic contribution to culture, politics and religion—each with its personal and social aspirations, its physical and mental equipment. This great variety has made the foundations of American life exceedingly rich. All these people, with few exceptions, were people of adventure—men and women of more than average daring, native resourcefulness and investigative tendencies. From the Mayflower days down to the arrival of the last ship at Ellis Island American immigrants, in overwhelming proportions, have been the more daring of their communities and nations.[6] They were self-selected groups, families and individuals, seeking something better and courageous enough to "go after" it. Pioneer life here, spent in developing the rough resources of the country, made them yet more daring and ingenious—more free to break with the past and more able to hew out new paths in forest, or social custom or political convention, as new conditions might demand or opportunity suggest. Out of these diversities,

stimulated by the energy and contributions from all modern peoples and on a continent of untold natural wealth and open to all who came, there has grown up the present American people—a mixed people, not bound to the past but ready to think and plan for the future. As a characteristic "Americanism" puts it, "We are not palsied by the habits of a thousand years. We live in the power and glory of youth."

(2) *The Older American Stock*

But with all the wealth of cultures that have come into the present make-up of the population of the United States—one-fourth of which even now is foreign by birth or parentage and so but partially assimilated—the social and political systems are predominantly of Anglo-Saxon heritage. It was the peoples of Northwestern Europe, in overwhelming proportions during the 150 years of colonization, who settled the Eastern coast, established the customs, laws and language, and set the permanent bent of social organization and law. From these colonists and their descendants, and from the heavy additional immigration that followed them from the same countries during the early years of the Republic, and who quickly amalgamated with them, developed the people who became the "native American" stock. Because of their earlier arrival, their greater numbers and the several centuries on

the average that they have been here, they have furnished the political character and ideals, as well as most of the men and women of leadership ability who have made this country, in largest part, what it is today. For, notwithstanding the immense immigration from other sources in the past forty years, as one investigator of race origin says, "the population of continental United States is, in the year 1920, still more than half, even excluding the Irish, of Anglo-Saxon strain. Further, the influence exerted by this element thru its moral hereditary quality is far out of proportion to its numerical superiority." As a visiting Englishman remarked, not long ago, "it is outside the large cities that the Briton feels most at home in America; for it is in the rural communities of Vermont, Iowa, Kansas, Missouri, the South and the Far West that the traveler from the British Isles finds a folk whose type is remarkably like that of his own country people of Kent, Hampshire, Devon, Worcester and Yorkshire."[7]

They were essentially people of adventure, these freedom-loving English, Scotch, Dutch, German, Huguenot and Scandinavian colonists of the first half-century. They were intensely individualistic, yet common dangers and huge tasks taught them to work together for common ends. They were hardy—self-selected in the first place—strong in

body and mind, and made more so by the rigorous selection that took place during the voyage and the pioneer days. The rough experience of sickness, excessive hardship and other dangers made it well-nigh impossible for any except the strong and healthy, in body and spirit, to come thru the long weeks of sea voyage and to survive the winter hardships of the first few years.

As the colonists settled the coastal plains and hills, so their children pushed on west across the first range of mountains to the rolling and wooded valleys beyond, and then their children in turn to the great central valleys, then to the vast prairies of the west, and then on across the greater mountains to the Pacific. These successive waves of migration settled the country, started towns and cities, schools and churches, states and industries and railroads. They established all thru this great region, as did their ancestors on the Atlantic seaboard, the ideals and political forms that had proven their worth in the east. And here continued also their never-ending passion to experiment —to find ways of making life richer and fuller and freer, whatever the new difficulties to be overcome. This was the sort of people among whom the movement to remove alcoholic drink began.

(3) *The Later Immigration*

As adventurous sons and daughters of the older

families, and their cousins newly arrived from overseas, pushed on west, especially after 1870, a new immigration began coming in to the country. Gradually the stream of peoples of similar nationality diminished and another composed of peoples differing more and more in language, customs and social and political heritage began to flow in. Steadily this new stream increased year by year until it practically replaced that of Northern Europe. These people had not had experience in self-government at home; many came, definitely, to escape autocratic government, class domination or other form of undemocratic control. They, too, sought greater freedom, personal and economic, as did the earlier immigrants; but they did not have before coming here the background of self-governing experience, or the sense of responsibiliy that such experience develops, as did the peoples of Northern Europe.[8]

Seeking the shortest way to increased wages or trade profits, they settled in the established communities of the East, instead of going on to undeveloped regions, as the North-European immigration in largest measure had been doing from the earliest days. With less initiative and self-reliance, or with a preference for city and trade, or because of labor needs in factory and mine, they remained in the well-filled Eastern states. They began re-filling the villages and factory towns and

even the farms, vacated by the westward-moving middle classes of "older American" stock. Controlled largely by the growing industrial concerns that were anxious for cheap labor, crowded into camps and city colonies, they developed a much lower standard of living, materially and as to social and civic ideals, than that of the longer-"native" mechanics and workingmen whom they replaced. But more significant in the long run, the growth of this new and lower-grade economic competition led to the reduction of the "old American" stock—that share of it which remained in the northeastern states, ceasing to have large families in an effort to preserve their higher standard of living. This, in turn, caused a deeper change in the character of the population than would have resulted from westward migration alone. For it was from the large families of the earlier Americans themselves that the rapid filling up of the central and western states had taken place during the first hundred years of the independence of the country.[9]

These conditions had much to do with the formation of public opinion, as it existed both in the East and in the West, at the time that the prohibition experiment was undertaken on a national scale, as later discussion thruout the book will show. Here it is in place to note that this new immigration was very extensive, averaging over a half-million a year during the forty years preceding 1915 when na-

tional drink removal became a recognized public issue; that they and their descendants—doubled in numbers—had been "colonized" largely by industrial forces and economic necessities; that they had little knowledge of or part in the temperance reform and similar movements growing out of older American ideals; that they had become a powerful factor, as they had a right to become, in the politics of certain sections, cities and states;[10] and further, that the "prohibition experiment" when it came was undertaken in a very diversified population and among widely differing groups, some of whom knew little or nothing of what it was all about.

Drink Traditions in American Society

All of the nationalities that entered into the American population, except the Negroes from Africa, brought with them their home customs and personal desires for alcoholic drink. The alcohol tradition begins in this country with the arrival of the white man. The early colonists introduced "fire-water" and the joys of intoxication to the native Indians. The pleasures of drink and the excesses of drink both came over from Europe ready-made; they came alike with Briton, Dutch, and German; with Irishman, Frenchman, Italian and Swiss; with Pole, Hungarian, Bulgarian, Greek and Russian. Only the very few Asiatics from the Near or Far East and those who were

brought here against their will from Africa failed to add a quota to the ideas and customs, the literature and personal practices and commercialization of alcoholic drink in the life of this country.

The colonists, so largely of English stock, brought with them their love of strong drink and many of the customs inherited from Anglo-Saxon ancestors. The people who arrived during the heavy immigration period of 1830-1859 at first tended to strengthen the customs already popular. The English were of the same bone and sinew as the colonial immigrants; the Irish, coming in large numbers, were heavy whisky drinkers; the Germans added certain features to the evolution of the saloon and were responsible for making beer a popular drink; the French, mostly wine users, brought a social sanction to the table and cafe use of intoxicants.

From the earliest days drink "penetrated deeply into the social life of Americans. Rum seemed to be ubiquitous. It was found in the finest tavern and the vilest road-house. The traveller seldom journeyed far enough to escape it, even in the mountains of the frontier. People of fortune kept a stock of good quality in their homes, while the servant and common laborer regarded it as indispensable. Parents gave it to children for many of the minor ills of childhood, while its wholesomeness for those in health was regarded as being surpassed

only by its healing properties in sickness. It seemed capable of satisfying almost any human need. It contributed to the success of festive occasions and comforted those in sorrow and distress. It gave courage to the soldier, endurance to the traveller, foresight to the statesman and inspiration to the preacher. It sustained the sailor and the plowman, the trader and the trapper. By it were lighted the fires of revelry and of devotion. Few doubted that it was a great boon to mankind.

"Along with milder liquors, rum served as a pleasing beverage for special occasions. No child was properly christened unless all present drank to the health and future prosperity of the infant. At weddings the tankards passed from hand to hand, and mugs or tumblers were frequently filled with punch, liberally seasoned with Jamaica spirits. The gentlemen enjoyed the customary race for a choice bottle of wine, which the winner was privileged to present to the bride. The time-honored practice of serving drinks to the mourners at a funeral was almost universally observed, tho occasionally some sterner soul, fearful lest unseemly levity mar the last sad rites, left instructions in his will that no intoxicants should be provided. Church, as well as home festivities, were made the merrier by reason of the 'good creature.' The building of a new edifice, the installation of new pews and especially the ordination of a new minister were occasions

when slight restraint was placed upon the appetite. * * * To the tavern also resorted the town selectmen and the county justices that the business of government might have the benefit of the clarifying influence of ardent spirits. There over a bowl of toddy or a mug of flip matters of local and colonial concern were decided, and civil and criminal cases were heard."[11]

Reactions Against Drink

The drink customs and habits of the United States, as they existed at the beginning of the present century, share their origin with those of all the nationalities that contributed to the make-up of the country. Yet, in marked contrast, the reaction against drink that has been noted in American life for a century, and that, even before prohibition days made this country one of the lowest in alcohol consumption of all the great white nations, came about thru and by the descendants of the older Americans, the earlier Nordic immigrants.

The temperance movement owes its origin and promotion, its personnel, its moral and financial support to those parts of the population that for years have had the most experience in self-government. It was among those that have been most influenced by ideals of liberty and religious freedom, by the spirits of adventure and progress, and who have shown the most ability to organize and unite

for the accomplishment of desired results, that the revolt against drink was most extensive and severe. From the same families and communities from which came the men who opened the west, built the great railroads, established new forms in city and state government, freed the country of slavery and built the universities and colleges and the modern industrial organization, came the first practice of moderation, the later restrictions on drink and the ideal of a nation free from the blight of drink excess. The sort of people who organized the new form of government—a republic—organized the social adventure that was marked, in 1920, by the going into effect of an Eighteenth Amendment to the Constitution of their forefathers.

For, long before the later immigration from Central and Eastern Europe had begun earnest efforts to counteract drink excess were well under way all thru the United States. Similar movements reached large proportions at about the same time in Northern and Central Europe. The first serious questioning of the every-day use of drink, both here and in Europe, was among the peoples of Nordic descent, where also its excesses were most severe. In the United States it started more than 100 years ago in Connecticut, New York and other eastern states, at that time occupied by the "old Americans," and after-revolution arrivals of British, Scotch, Irish and Dutch. And it was by and

thru these same classes, seventy-five years later, scattered all over the central, western, southern and far-western states and communities, that the idea of local, state and national banishment of the public traffic in alcoholic drink received its impulse and its most extensive tests in actual operation.

While the people of Anglo-Saxon descent in North America—both in Canada and the United States—were carrying thru the great temperance movements of the past one hundred years, their cousins in the home lands of Europe, were doing much the same. There were personal abstinent movements thruout the British Isles, Holland, the Scandinavian countries, Germany and other countries. They made large headway. Thoughtful study about the use of alcohol as well as sentimental reaction against its consequences began. Investigation became scientific; European university men took up the subject more extensively and fully than did scientific men in the United States where the movement was largely moral and religious. For forty years previous to the World War the universiy laboratories of Germany, Austria, the Northern lands and England were turning out discoveries about the effects of alcohol on health, life and efficiency. This information laid the foundation for an intellectual revolt against alcohol. But it had little effect on practical life. The results of investigations were allowed to remain in the library

and laboratory as scientific knowledge to which it was acknowledged to be "a valuable contribution." But later, especially since 1900, American initiative, prompted by the old spirit of adventure applied at the beginning of the 20th century, began "popularizing" these and their own discoveries and applying the scientific knowledge about alcohol to the problems of public health, daily living, industrial efficiency and heredity. When, after 1900, this material was given to the public, a new and powerful factor was added to others that had been questioning the place of drink and the saloon in American life.

But this educational and temperance activity prevailed almost wholly among that part of the people whose ancestors were born in this country. It did not, to any extent, up to the prohibition period, reach the millions of the "new immigration," most of whom regarded themselves as full-fledged Americans and whose influence was already strongly marked in politics and public opinion. Their customs and drink habits had not changed on arrival in this country. Many of their children had lost the social controls and restraining family influences of the old country and had gone to greater excess here than their parents ever did in the old country. Drink results were worse here, because there was more money to spend and the drink promoting activities of the trade were more aggressive.

Yet they were ambitious and industrious; they earnestly sought to better their economic condition; they could labor, and that is what the factories and mines of the Eastern industrial sections needed most; many became naturalized—or voted without naturalization. Their children, "the second generation," became intensely American, especially in the sense of revolting against the language, standards and customs of their parents. They had votes, and the politicians of the great cities discovered that these could be manipulated thru the leadership of rascals of their own nationality. This honest but misled mass of voters, organized by nationalities, became a deciding political force in many cities during the past fifty years. "The melting pot" failed to melt; cities remain yet, in part, a conglomeration of colonies, separated by language, customs and Old World antagonisms, from each other and from the older American and native-born sections.

Significance of the Experiment

The proposal to remove alcoholic drink wholly from the social and economic life of so great a nation as the United States was, indeed, a bold and dramatic adventure. Its size and complexity were not fully recognized during the days of the local and general prohibition movement. Not only were legal changes to be made and political issues fought out; even more serious were the customs of millions

of people that had to be taken into account—their methods of sociability, of expressing friendship and obtaining good cheer that have been in operation unquestioned for ages past. For drink has been taken as granted and regarded as a necessity by many of the nationality groups which make up the United States since their barbaric days in lands yet more distant and ages more remote than their homes in Europe.

Then other changes in fundamental human desires even more powerful are implied in the effort to remove alcoholic drink from a modern nation. Among these are the reinvestment of billions of dollars of capital, the taking up of new forms of business or trades by thousands previously making their living out of the production and sale of intoxicants; conceptions of individual freedom, of personal and social rights and obligations; changes in traditions in literature, art, drama, and in conceptions of the place of government in its relation to human living. All of this, and more, including international relations and effects, are implied in the transitions made necessary by the adoption of national prohibition in 1919 and its going into effect in 1920. Such changes may not be expected to occur over night.

To a period of testing involving all of this the United States is now committed. Whatever the final outcome of "the experiment," it is filled with

almost unlimited meaning to the present and future millions of people in this country and the world. For it is not possible to continue its influence, in these days of quick international communication and increasing international dependence, to this country or this continent. For Englishmen, with the same ideals and similar social heredity, as Lloyd George has phrased it, are "watching America's bold bid for sobriety with hopeful, if anxious, eyes and with longing hearts;" and he adds, "What Britain does next will depend entirely on the success or failure of what America is doing now." The influence of the action of the United States is bound to go far beyond the limiting of the markets of other countries for their wines and whiskies, or the offering to some of their adventurous nationals, as to the law-defying at home, of a new and tempting field for "rum-running," or the possibility of international misunderstandings that may grow out of conflict of jurisdiction at border lines or on the seas. It will affect directly and permanently the markets of the world and the ability to produce efficiently and sell in competition with drink-using countries.

The Period of Trial

The period in which this test of the ability of a great country to free itself from such a social institution as alcoholic drink is being made has an important bearing on the undertaking itself. The first

ten years following the going into effect of National Prohibition is a period of unusual and rapid change thruout the world—a period both of abnormal advancement in thinking and of conservative reaction, following the greatest world war of history.

Developed during a long era of peace in the United States and brought to national proportions under peace motives, legal prohibition is meeting its crucial test in a period of after-war reaction. This is giving the new policy, in many ways, a much more severe trial than it would have had under ordinary conditions. These conditions are world-

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CHAPTER I. REFERENCES AND NOTES

(1) Nicholas Murray Butler; *Literary Digest*, May 17, 1924.

(2) Arthur T. Hadley, Yale; address, Apr. 29, 1925, at New Haven, Conn.

(3) Thomas N. Carver, These Eventful Years, 583.

(4) Irving Fisher, Significance of the Anti-Alcohol Movement.

(5) Arthur Newsholm, Prohibition in America and Its Relation to the Problem of Public Control of Personal Conduct.

(6) A. E. Jenks, The Sources of American Individualism. Prof. Jenks says:

"Migration is one of the best examples of the human selective process revealed by universal history. It may be stated as an ethnic law that, other things being equal, it is the most restless and highly vitalized, the strongest and most courageous, the most dominant and individualistic persons who, in the spirit of adventure and conquest, go furthest from the home nest.

"The selective process has thus normally brought to America men and women of strong physical energy, clear vision and judgment and dominant wills. The weaker stayed at home."

(7) C. S. Burr, America's Race Heritage, 220.

(8) During the industrial period after 1870, "the steamship companies and great corporations began to stimulate immigration in order to benefit by the lower wages that could be afforded to aliens . . .

wide. Disregard for law and orderly processes have followed most wars of history; influence of social control is loosened; idealistic motives have been replaced by stern realism; the test of pratical results stands high as a basis of approved judgment. Also, from another viewpoint, it is a period of earnest effort to adopt new standards and change social conditions in the light of accumulated scientific knowledge. It is an age that judges by practical results and that is intolerant alike of new theories and old traditions, except as they produce results of value fitted to every-day living.

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whose standard of living was far below that of the American workman. As a result, today, every town of industrial importance in the territory east of the Mississippi and north of the Ohio and Potomac rivers has its quota . . . of the new immigration." C. S. Burr, America's Race Heritage, 114.

(9) "When we consider that the 51 survivors of the Mayflower community must have increased to the neighborhood of 85,000 in three centuries, we begin to perceive that the settlement and emigration of the colonial days is most significant with respect to the human geography of present-day America. The descendants of the first thousands became the millions of the 'old stock' of today. The embryo communities developed into the very national life of America."—C. S. Burr, America's Race Heritage, 59.

(10) A 1927 report about New York City says: "Within sight of the immigrant station at Ellis Island where the melting pot first begins to boil, there are published today daily papers in 23 different tongues. Their combined circulation indicates that one out of every six New Yorkers reads a paper published in a foreign language. . . . Forty foreign-language dailies and a total of 193 foreign publications come from the city's presses every month."

It was estimated in 1926 that there are in the United States 6,500,000 voters who actually were born abroad.

(11) J. A. Kraut, The Origins of Prohibition, 37-39.

II

ONE HUNDRED YEARS OF TRIAL AND ERROR

It was little more than a coincidence that the movement against intoxicating drink in the United States reached the stage of national action during the excitement of a world war. This, however, causes it sometimes to be associated unduly with that abnormal period and tends to obscure the background of the movement, the growing recognition of the problem, the previous attempts to find solutions less drastic and the evolution of the idea of prohibition itself.

It is a legitimate question to ask, How did such a radical change in customs and thinking happen to be proposed? How did the movement grow from a mere theory, or dream of what might be done, into a serious undertaking that gripped the attention of vast numbers of realists as well as of idealists? What lies back of "prohibition" anyhow? For nothing is more clear, from the standpoint of history than this, that the conflict about intoxicating drink as a public institution, that preceded the National Prohibition campaign period of 1912 to 1918, was itself preceded by more than a century of earnest experimentation and effort to solve what was regarded as a very serious national problem,

while the participation of this country in a European war came with startling suddenness.

Growth of the Idea of Drink Removal

Serious questioning of the value and place of intoxicating drink in the new republic began with the very first days of its existence. Even before the Constitution was framed the Continental Congress of 1777 took action to the effect "that it be recommended to the several legislatures of the United States immediately to pass laws the most effectual for putting an immediate stop to the pernicious practice of distilling grain, by which the most extensive evils are likely to be derived."

To this call "the several legislatures," then numbering thirteen, did not respond. But their successors did respond to another Act by Congress to the same end when one hundred and forty years later, they ratified the Eighteenth Amendment making prohibition of the liquor traffic a part of the fundamental law of the country, by the approval of forty-six of the forty-eight states.

The first active efforts to counteract drink, which Washington is quoted as saying was "the ruin of half the workingmen of this country," had a joint public health and moral origin. Its leader was a physician, Dr. Benjamin Rush, an unusually able medical man of that time and a signer of the Declaration of Independence. In 1785, after helping to

reduce the use of drink in the army, Dr. Rush published a pamphlet, "The Effect of Ardent Spirits on the Human Mind and Body." It gained wide attention; it is said that no other single publication on the subject since has aroused so much attention. It was republished many times in the thirty years following. Contrary to ordinary impression, it was not wholly or chiefly moral motives that started the temperance movement. Most prominent at the beginning, under the leadership of such men as Dr. Rush, were the claims of public health, both physical and mental, and the welfare of the drinker's family and the community.

The earliest known effort to promote or protect the economic interests of the drink producers against the temperance movement also occurred at about the same time. The occasion was the Whisky Rebellion of 1794, the first outbreak against the authority of the new Government. The people of Western Pennsylvania, then a section as far removed from the centers of population in travel time as is the Pacific Coast or Alaska today, had been distilling the grain grown in the valleys of that region into whisky so that it might be more easily shipped to the far Eastern markets on the Atlantic Coast. They raised objection when a Federal tax of seven cents per gallon was imposed to help to pay the debt of the War for Independence. They declared this to be an infringement on their per-

sonal liberty and they were ready to defy the new Government and Constitution rather than pay the tax.

The first organized attempt to reduce intemperance occurred among a group of Connecticut farmers. Heavy drinking was interfering with the work in their harvest fields at the busy season. To reduce this excess and at the same time insure more efficient gathering of the crops a temperance society was formed among the farmers. The first society that became permanent, and the one that led to the starting of many others, was formed in 1808 at Moreau Springs, New York, one hundred and twelve years previous to the adoption of National Prohibition. It was initiated by a physician, Dr. Billy J. Clark, and had as its purpose, doubtless radical enough for that day, "to arrest the progress of intemperance" by persuading men not to drink rum, gin, or whisky except at public dinners, on special occasions or on the advice of a physician.

From these beginnings the movement spread rapidly. In the next fifty years thousands of societies were formed with hundreds of thousands of members. These societies were zealous in soliciting members and circulating personal pledges against the immoderate and regular use of "strong drink," the distilled spirits of the day. Their pledges sought to limit indulgence to special occasions and in other ways to prevent excess in

amount. When, after several years of experience, it was found that drunkenness continued much as before, the pledge requirements were made stricter; total abstinence from all "hard" liquor became the rule, while malt drinks, such as beer, not then in much use, were accepted as "temperance" drinks and as aids in getting men to quit the use of spirits. Again, after a few more years and a steady increase in the number and enrollment of temperance societies, another step occurred. Personal abstinence from intoxicating drinks of all kinds began to be encouraged. This was found to be the most effective form of pledge so far used; the number of men who became free from drink increased and the total abstinence movement spread widely, reaching practically every local community thruout the country. At the same time it had its counterpart in other countries, especially in Northern and Central Europe. It became one of the most popular social movements of the day. Whereas a few years earlier drinking was quite generally diffused, almost everyone using a little at one time or another, there now began to be differentiated in the United States a large and influential non-drinking class that has continued and grown, with greater or less regularity, thru all the years since.

The extent of the movement is suggested by the appearance in 1846 of 5,000,000 enrolled abstainers in the United States in a total population of about

20,000,000. And there were many more who had not enrolled in any of the societies. The division of the people into two classes, drinkers and non-drinkers, had begun. At first, most of these societies were composed of former drinkers and some of them of ex-drunkards. There were 10,000 such local societies. One of the general societies, at a parade in Baltimore in 1840, placed 6,000 ex-drinkers and reformed drunkards in one marching line. Temperance societies were found in each of the houses of Congress and some of the state legislatures, the pledge including, in some cases, an agreement to refrain from engaging in the traffic.

Thru these years the organized temperance movement developed, every state and community sharing in it. It was promoted largely by moral ideals and by the desire to save the children of the drunkard, but it had a firm foundation in health and community demands. It was intensely emotional, presenting spectacular appeals in behalf of the victims of drink. It rescued millions, but it was not long before it was seen that many would not continue "rescued." Former drinkers resumed drinking habits because of old companions, the appeal of the dealer who did not like to lose a customer or the desire for "the drink" itself. Of the half-million helped to their feet by the Washingtonian movement it was estimated that two-thirds fell again. Usually these became heavier users

with each relapse. But the number of non-users continued to increase notwithstanding the defections, and the temperance movement grew steadily. On the other hand, while the number of non-drinkers increased by millions, the per capita consumption of drink thruout the country remained as it had been, at times increasing, and the supply of drunkards ready to be reformed never seeming to be less.

The emphasis among the leaders of the reform, many of whom were men who themselves had given up the use of drink for their own good or that of their families or the community, began to shift from lifting up the fallen to preventing the fall—from the drinker to the seller of drink. To get him to refrain from selling to heavy drinkers or reformed drunkards, or even to give up his business entirely, became an added objective in the enlarging program of the temperance societies. Many times this was undertaken during this period and again thirty years later, but with indifferent results since the living of the dealer and his profits depended on increasing rather than on decreasing the extent of his business.

Solutions Attempted

Independence of thought and action marked the pioneers of the temperance movement as it did the early immigrants and their children later as they moved on west to open the wilderness. Often it

led to excess in drink—yet, also, to a freedom and fearlessness to undertake solution of this and other social ills when the need became evident. When something was to be done they were accustomed to find a way to do it. They did not hesitate in the face of tradition and folkways, but undertook new social and political experiments as freely as they dared to open new country to settlement.

Out of this spirit of freedom to investigate and construct anew, and of abundant first-hand knowledge, there came a long period of earnest effort to solve the question of drink. During the hundred years that this experimenting went on almost every possible conception of the problem stood foremost at one time or another. Out of these differing conceptions—such as excessive use, the comparative danger from different kinds of liquor and the right of private profits in the business—there grew up a variety of solutions and a wealth of that first-hand experience that comes only from the practical testing of theories and proposed solutions.

Following the first challenge to public health by Dr. Benjamin Rush and the forming of the first temperance societies, developments came rapidly. Beginning with a small and zealous minority, a gradually enlarging proportion of the people undertook seriously to find solutions for the drink habit. Among those that gained widest attention, that were tried for long periods and that added

much to the growing knowledge of the difficulties to be met and the sources of the problem itself, were the following:

1. *Reduction and Moderation*

In the early days of the temperance movement drinking prevailed generally among all classes. There were moderate and immoderate drinkers in each. The broad division between non-users and users that clearly divides society in later years did not prevail. Drunkenness and excess were connected naturally enough with individuals who lacked self-control. So the first attempt to reduce drunkenness was the appeal for moderation and self-regulation made to those who were injuring themselves and their families thru "ardent spirits." This began seriously as a movement after 1800, following the example of 200 farmers in Connecticut and others in Virginia, who formed local societies for the purpose of discouraging the use of spirits on the farms at harvest time. The object sought, as stated by the society organized in 1808, that became famous because the first that lasted thru a period of years,[1] was: "No member shall drink gin, whisky, wine or any distilled spirits except "at public dinners under penalty of 25 cents;" "no member shall be intoxicated under a penalty of 50 cents."[2]

Another in Maine in 1812 expressed its purpose

as follows: "We will at all times be sparing and cautious in the use of spirituous liquors at home, in social visits decline them so far as possible, avoid them totally in retailing stores."

For the first ten years the standards of temperance societies, the resolutions of churches, sermons, warnings by physicians, the writings of scientists and the pledges promoted had to do almost wholly with the individual—with his habits, actions and privileges. It was an individualistic effort toward self-restraint. It might be called, as it now appears to have been, a method of self-rescue from excess. These efforts to prevent the excessive use of "spirits" with a high percentage of alcohol, were continued with varying degrees of success for many years and in many forms.

(2) *Abstinence from "Strong Drink"*

An impression that moderation in the use of the stronger alcoholic drinks was not sufficient to relieve the difficulty began to prevail soon after this method had been widely tried. This opinion grew out of every-day observation that drunkenness continued much as before. The idea of complete abstinence from strong drink was a natural result of this first experience. It was first discussed about 1818, the demand for an advance step extending during the next few years, as far as the original moderate-use societies had gone.

In 1826 a meeting in Boston established the first national temperance society "to banish intemperance." Its platform called for "total abstinence from 'ardent spirits.'" Organized effort on a national scale to save individuals from drink had now begun. By 1833 the movement reported 6,000 local societies, state organizations in most of the states, 5,000 drinkers reclaimed, 5,000 merchants discontinuing the sale of liquor in their stores, 2,000 distillers closed and 700 sailing vessels beginning voyages without the usual supply of drink on board.

Similar activity in various organizations and forms has continued ever since with varying degrees of popular support.

3. *Abstinence from All Alcoholic Drinks*

At first, in this country, alcoholic drink was taken largely in the form of distilled spirits and ciders; malt liquors were not largely used and wines were not always available. Along with the first efforts to win men away from their heavy consumption of spirits there was proposed the more general use of malt liquors, such as beer. This was encouraged as a substitute for "hard liquor," and was regarded as a temperance drink. This opinion was greatly strengthened by the heavy immigration of 1830-1840 from beer drinking countries. The people coming at that time, largely German, popularized

and extended the use of malt liquors, both because they thoroly enjoyed "good beer" and because the enlarged use of such drinks seemed desirable as a step toward replacing the spirits that were so clearly debauching the native-born Americans and the people of British, Irish and other North European descent among whom the stronger liquors were popular.

But after a few years it began to appear that this newly-popularized "temperance" drink was not acting as a substitute for whisky. Drinking to excess continued; many who had pledged themselves to quit the stronger drinks were led back by the new substitute. Its use was increasing by leaps and bounds. By 1840 leaders of the temperance movement were seriously doubting its effectiveness as a temperance drink. They began classing it with other intoxicants.

The opinion of thoughtful men was expressed by Prof. Hitchcock of Amherst College in 1830, who said: "The greatest obstacle to the reform of drinkers is the habitual use of beer, wine, cider and cordials by the respectable members of the community." He added, "intemperate habits are formed, love of alcoholism induced by habitual use of these lighter beverages."[3] It was reported that same year that thousands of reformed drunkards who had joined the temperance organizations had relapsed without violating their pledge, "having become in-

toxicated on other than distilled liquors," "some by means of cider, others thru wine and others thru beer."

To prevent, if possible, further relapse of those who had given up drink on personal pledge, two additional features became widely prevalent: first, an attack was made on beer and other milder alcoholic drinks and they were included in the pledges promoted by the temperance societies and movements; second, fraternal societies of many kinds were established to aid ex-drinkers in forming new habits, securing fellowship and the friendly support of others and combating the temptations of the grog shop. Efforts to strengthen the character of the men subject to drink and to afford them new social opportunities became a valuable and widely-extended movement, continuing many years. One society in 1850 reported 5,500 local societies and 232,000 members. Movements of this kind, previous to the Civil War, were led almost wholly by ex-drinkers. In later years such efforts to rescue individuals from drink and to provide better home interests were the work largely of people who themselves had not been personal victims, but who were prompted by motives of service to society.

With the pledge against personal drink, advanced to include intoxicating drinks of all kinds, mild or strong, the pledge-signing campaigns reached immense proportions. In 1846 it was re-

ported that there were 5,000,000 enrolled abstainers and 10,000 local societies actively promoting total personal abstinence. The interests appealed to were chiefly moral, the love of wife and children and personal self-respect. Drink and drink-sellers were denounced as enemies of the home and the saloonkeeper was referred to as a social outcast. Yet there was little appreciation of the broader social aspects of the problem or of its economic and national meaning.

After the troubles of the Civil War had begun to clear up, a second wave of "moral suasion" movements passed over the country. Red Ribbon clubs enrolled 45,000 reformed drunkards in one year, 1874, in one state. The Blue Ribbon movement in the winter of 1876-77 secured 60,000 signatures to the abstinence pledge in the city of Pittsburgh alone and 500 saloons in and around that industrial center were closed by the shortage of customers. In Philadelphia results were almost as great. But no "follow-up" program was undertaken and little organization was left to strengthen the will of the new personally dry recruits. Many former drinkers slipped back to their old habits and associates, saloon licenses were renewed and the recruiting of new drinkers went on as before even while some remained true to abstinence as permanet gain for the cause.

Under many variations in form of promotion

and organization, the signing of personal total abstinence pledges continued thru all the years down to National Prohibition as one of the most substantial methods of the anti-drink movement.

4. *Abstinence from the Sale*

Serious attempts were made at times to enlist the co-operation of the drink dealer in efforts to rescue drunkards and save the children of the victims of excess. Millions of men were becoming abstainers thru moral, emotional and religious appeal; some were starting a new life that in many instances became marked in the community. It was hoped that similar appeals would win the seller of drink, persuade him to give up his license and enter some other kind of business. In these appeals his place as a citizen was balanced off against his profits in a long-established trade.

At two widely different periods, the first about 1842 and again in 1873, attempts were made in this direction as a step toward solving the drink problem. At the time of the first trial of this method, drink was sold in taverns, grocery stores and drinking saloons, the latter being wholly unorganized as a trade. Liquors of all kinds were cheap, license fees low and restrictions few. While the number of non-drinkers was rapidly decreasing thruout the country many reformed drinkers were unable to remain reformed. The cause of this trouble, it was

believed, had been discovered in "the man who incited afresh the smothered flames of thirst which men were struggling to quench. That men should drink was his business, his living. Thru every avenue he distributed his goods—at the tavern where they eat and lodge; at the grog shop where men find sociability, at the grocery where people buy."[4]

But the effort to win the assistance of the drink seller failed, so far as persuasive methods were concerned. He appealed to his rights as an established dealer in the community and to his license from the city or state as giving him public approval. He made it clear that he was a taxpayer and that he was supplying a demand that came from those who wanted drink and the sociability of the saloon. Why should he give up a profitable business even if certain patrons did persist in drinking to excess?

The second attempt was that of the Woman's Crusade of 1873, after the saloon had become fully developed as the drink-selling place of the community and the trade had been organized nationally. As in the first instance, it followed a great campaign thruout the country that had added millions of names to the total abstinence pledge and closed many saloons on account of the patrons lost. Also, as before, it was undertaken following the observation that a large share of those who had promised not to drink failed to keep their pledges.

This time thousands of women engaged in "the most inspiring phenomenon of the whole history of the temperance reform—women of influence, wives and daughters of judges, business men, bankers and ministers—in hundreds of towns and smaller cities. They undertook to close the saloons by united prayer and persuasion. Bands of women held meetings first in churches, and then in front of saloons or within the barrooms, urging the dealer to give up this business. Often they succeeded—for a short time. A few dealers left the trade for better ones, as a result of the strong appeal, but most of them waited until the excitement was over and then opened their doors again. New dealers came to take the places of those more honorable men who had yielded to this community pressure. This great wave of enthusiasm left few results so far as its first object was concerned, but it led to the organization of the Woman's Christian Temperance Union, which began educational effort on a more permanent scale than had ever been undertaken previously.

5. *Legal Restraint and Control*

For centuries in English law and since the colonial period in this country it has been legally recognized that there are special dangers connected with the sale of intoxicating drink for beverage purposes. The public sale therefore has been sub-

ject to special control and supervision. The privilege of indiscriminate sale by anyone who wishes has not been permitted. That privilege has been accorded only those who qualify for this job by meeting certain requirements, paying certain fees or agreeing to certain restrictions.

In the United States, in the past fifty years or more, this system of license has been widely used with a view to lessening the known evils of drink selling. Requirements as to the character of the dealer, the payment of a heavy fee increased in amount with the growth of anti-saloon sentiment and strict regulation have been used, in theory at least, to insure observance of law and the respectability of the seller. These restrictions were intended to limit the hours of sale, prevent selling to children and to intoxicated men or on certain days, and to guarantee against vice and gambling in the saloon. It was believed that the privileges thus conferred would be so valuable in the eyes of the saloon-keeper as to place him on the side of law and order and against unlicensed and illegal dealers.

In actual practice the liquor traffic and public drinking flourished under the license system. The new trade created among young men and boys by this sort of respectable and high-standing saloon greatly exceeded any loss that may have come in other ways. It centered the business more and more in the hands of those capable dealers who

could make the largest sales. The higher the license requirements, the larger and more attractive became the place of sale; the greater the number of sales, the greater the profits—and the ability to pay the fee and win the favor of politicians. At the same time the impression that these license fees relieved taxation had a blighting moral effect on taxpayers and countered the influence of educational temperance activities. Intended to be a restrictive measure, this system became on the contrary a source of immense political strength to the liquor traffic previous to the adoption of prohibition policies by local or state governments.

The requiring of license fees, even the highest, failed both to regulate the sale of drink and to prevent its increase. In Philadelphia, where the Pennsylvania law, prepared with especial care, required one of the highest fees of those of any state, it was reported that "the illegal places exceed by not a few the number of licensed dealers." They were in the form of "kitchen bars," clubs, druggists doing unwarranted business, houses of ill-fame, cigar stores, etc. In Chicago under high license, the Law and Order League estimated the number of illegal places at 2,500, there being 7,200 licensed saloons at that time. In New Jersey, under high license, the number of illegal places of sale reached 3,000.

The high license system dignified the facilities for drink indulgence, increased the attractiveness

of the saloon and made it profitable to stimulate the saturation of the community with alcohol. At the same time it created a field for the illicit dealer, who supplied drink to the less respectable and the drunkards. The "blind pig" became a regular by-product to the high-fee-paying saloon that did not wish to have its own sots hanging around and creating unfavorable publicity.

For a quarter of a century the license system, while lessening some of the more gross consequences of the saloon, gave stability and strength to the whole drink institution. During the period in which it was the accepted policy of most of the states a tremendous increase in the per capita consumption of drink occurred, from 13.21 gallons, about 1885, to 22.79 in 1911. During this period the organized liquor trade promoted the passing of "Model License Laws" in the states to keep the traffic in good repute and, by furnishing revenue, to help provide the public cost of caring for the victims of drink. *Bonfort's Wine and Spirit Circular* used as a campaign slogan in 1889, "High License Against Prohibition." The president of a national organization of distillers and wholesalers explained the actual working of the system, as follows:

"The true policy for the liquor trade to pursue is to advocate as high a license as they can afford, because the money thus raised tends to relieve the owners of property from taxation and keeps the

treasuries of the towns and cities pretty well filled. This catches the ordinary taxpayer, who cares less for sentiment in opposition to our business than he does for taxes on his property."

6. *Government Control and Sale*

Attempts to solve the drink problem by depriving the business of private profit and placing the sale and distribution in the hands of the Government were made over a period of fifteen years, about the time the total abstinence campaigns to win men from drink had reached their maximum extent. The policy of public ownership and operation of the drink trade was tried in Georgia and North Carolina in some of the smaller cities and counties. It was extended and given wide application in South Carolina where a public dispensary system was in operation for thirteen years. This was established in 1893, at a time when there was widespread demand for state prohibition following banishment of saloons in many counties of the state. The dispensary system ended in 1906 when South Carolina abandoned it in favor of state prohibition.

Under this plan the state assumed control of the business of distribution; local county dispensaries for the retail sale of drink were established in those counties that wanted them; other counties were permitted prohibition; the private saloon was discarded entirely as a recognized legal business.

Profits were divided between state and city or county governments. Managers and their employees were given a salary the amount of which depended only indirectly on the amount of liquor sold. Purchasers were required to make written application and liquors were sold only in bottles to be taken away and not to be consumed on the premises. The theory of the dispensary was to satisfy only the existing demand for intoxicants, make it more difficult for boys to learn to drink, transfer drinking to the home or social group, do away with public carousing and eliminate all inducements to promote trade for profit.

In actual operation the dispensary became a money-making institution for the government and a source of graft for crooked politicians. Profits increased from year to year. Sales grew rapidly, notwithstanding the fact that just previous to this time drink consumption had been slowly decreasing in South Carolina. The first year profits averaged $6,000 per month; within a few years they averaged $45,000 per month. Illegal selling increased, especially at night after closing hours. It was more widespread than under either license or prohibition, the private seller continuing his former business illegally. These "boot-leggers" often purchased their supply at the government dispensary, then sold after closing hours or whenever they chose, thruout the community. Drinking and in-

temperance increased in South Carolina, while the state dispensary became a gigantic political machine, dominating the politics of the state, keeping its friends in office and supplying the men who conducted the local dispensaries and who made the local political contacts. It was called "the Tammany of the South"; it became one of the most corrupt political organizations ever established in that section of the country. Even the founder of the dispensary system himself, who believed that it would be of service to the state, finally turned against it.

(7) *"Substitutes for the Saloon"*

By the year 1900 scientific study of the drink problem in the United States had developed the information that the natural desire to be friendly and sociable with companions is one of the most frequent causes of drink habits and intemperance.[5] To reach this source of the difficulty and to supply opportunities for friendly association free from undue pressure to drink became a prominent feature in the movement from that time on. For a period, special attention was given in many cities to the founding of social centers, coffee clubs, workingmen's clubs, recreation buildings with games, reading-rooms and, especially, eating-houses that would be in fact "counter attractions" to the saloon. They were designed for those who needed them most—the neglected classes of crowded city

sections and industrial communities. The saloon, which delighted to advertise itself as "the poor man's club," was expected to lose its attractiveness and prestige and these more healthful means to recreation and a good time after heavy hours of labor were promoted to take its place.

This intensely sane method of countering the influence of alcohol and the saloon soon reached certain limits. Workingmen of self-respecting sort did not take much interest in enterprises conducted by others for their benefit, however attractive; they preferred the drink shop with its greater freedom and independent payment for whatever they chose to receive. Drinkers were dissatisfied with the "soft drinks"; they wanted alcohol, and not coffee or some other substitute for "booze." The saloons near by began to add some of these social features and succeeded in out-substituting the "substitutes" for most drinkers. A limited number who sincerely desired to escape saloon conditions found in these social centers a great aid in doing so; but for many others the saloon continued to fill the place of influence in the community and to recruit its annual force of new patrons thru its continuous appeal to boys and young men. The "substitute" as such was opposed by two facts in human nature; the pride of the poor man and the attractiveness of the "kick" in alcohol, yet available cheaply and in unlimited quantity at the democratic saloon.

(8) *Popularizing Milder Liquors*

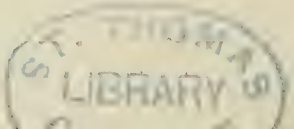
For the past fifty years of the United States as a nation distilled spirits and other strong drinks were most popular. The English, Scotch, Irish and Scandinavian ancestors all used heavy liquors and the early American generations did not fail to follow, or intensify, the customs of their fathers. Malt liquors were not widely used until the beginning of the German immigration in 1830. From this time on beer became increasingly popular as it became available thru improved methods of production brought from the Fatherland; also because of the moderate example of the new immigrants and the later discovery of methods to preserve and ship it in large quantities.

In the face of the spectacular and debauching intoxication, so prevalent from rum and whisky in the earlier days, the impression became widespread that the new drink was a temperance drink. It was promoted as such by many who were fighting the drunkenness of the day. For a time it seemed to be helpful, but a wider view of what happened gives also a different view of its temperance claims.

During the sixty years preceding the adoption of prohibition there occurred a reduction in the amount of stronger liquor consumed from 2.24 gallons per capita in 1850 to 1.42 gallons in 1910. At the same time the amount of malt liquors used in-

creased tremendously—a shift, to a considerable extent, from rum and brandy and whisky to beer. But during this period the amount of absolute alcohol from all sources consumed increased thirty-seven per cent. The share of this absolute alcohol that reached the everyday drinker thru spirits decreased thirty-five per cent, while the share that reached him thru beer increased more than one thousand per cent, far more than enough to off-set the reduction that came from the lower consumption of the stronger alcoholics. The beer route took the place of the whisky road as the highway of supply to the average drinker, and an increase of thirty-seven per cent in the consumption of absolute alcohol was the result. The steady-going Malt King of Teutonic source triumphed over the erratic Rum King of Anglo-Saxon origin. More alcohol was taken into the blood of American citizens annually, after the beer invasion, than at any previous time in the history of the country. The shift from spirits to "light beers" had brought a result directly opposite from that expected—an increase in the use of alcohol, the common injurious element of all intoxicating drinks.[6]

Attempts to retain beer while banishing stronger liquors have been made with similar results. "In 1870 Massachusetts so altered its then prohibitory law as to allow the sale of malt liquor. . . . The results were so conspicuously disastrous that in



1873 the laws permitting the sale of beer were repealed in accordance with a recommendation of the Governor of the state who said in his inaugural address:

" 'If we accept the evidence of those who have had the most painful experience of the miseries produced by these places (beer-shops) they are among the greatest obstacles to the social and moral progress of the community.' "[7]

Growth of the Prohibition Idea

The impression that, sooner or later, it would be necessary to appeal to government and law to curb the economic source of the drink evil and to prohibit the sale of drink, originated early in the temperance movement. It was not the first solution proposed; it came as a later step, yet for nearly a century it grew, side by side with educational, moral, religious and other efforts until it became a recognized part of the program of anti-drink activities. It developed parallel with other methods, rather than as a successor to them, and it passed thru many forms of application, during the changing conditions of a century, in country community, village and city life.

1. *Its Beginnings*

The appeal to law to enlist on the side of temperance had its beginnings and its first wide applica-

tion during the first half of the century of temperance effort. As early as 1826, Dr. Lyman Beecher began calling for the removal of alcoholic drink "from the lawful articles of commerce" on a plea of public safety. He announced his discovery of an additional source of the trouble in these words:

"The dealers in this liquid poison may be compared to men who should advertise for sale consumptions and fevers . . . but now the men who deal out this slow poison are licensed by law."

After 1835 temperance agitation included the claim that the traffic itself in intoxicants is an immoral business and not one that government should approve. Many reformed drunkards had been slipping back to their cups; the drink shop was attracting young men and new supplies of drinkers were being formed to off-set those won away from drink by the temperance pledges; rough experience with local drink dealers gave rise to the conviction that the license laws were protecting the dealer and his business, rather than the drunkard's family; law seemed to aid those who wished to encourage excess rather than the reformer. So grew the conviction that the license, the permission to sell, was itself an immoral act of the government. Naturally the next step was to ask the local government to cease licensing and to remove its protection from the place of public sale.

Laws to this effect began to appear in the early

thirties. Among these early examples of prohibition legislation were the following: Massachusetts prohibited drink selling in quantities of less than fifteen gallons; Tennessee less than eight gallons; Connecticut less than five gallons; Indiana adopted a local option law for townships; Georgia local option, as did Illinois and many other states. These and similar measures brought the subject of legal prohibition, that "intoxicating liquors kept for sale as a beverage should be destroyed by the state as a public evil," up for decision by the Supreme Court of the United States. Then followed one of the hardest fought legal battles in the history of the country. The decision of 1847 sustained completely the right of the state to limit, restrict or prohibit the traffic in alcoholic liquors to any extent it desired, whenever, in the opinion of a legislature, the most representative body in the government, such action should be desirable. This decision completely supported constitutionally the principle of legal prohibition as applied to intoxicating drink. And it did it *on the basis of the character and consequences in the community of the article sold.* In the years since, this principle has been reaffirmed frequently by the higher courts, but it has never been weakened. After this decision prohibition methods spread more widely and confidently.

(2) *The State Prohibition Movement of* 1850-55

The first effective test by the state unit occurred in Maine under the leadership of Neal Dow, the "father of prohibition." Discovering by bitter experience that a saloon-keeper, to whom he appealed to quit selling to a besotted friend, fell back for defense on the privileges granted him by his license from the state, General Dow at first tried to secure local prohibition for the city of Portland. This was granted by the legislature but was nullified in the city by city officials, who sympathized with the local dealers. A campaign was then waged all over Maine for complete state prohibition. Three times was this done in different years, each time the vote falling just short of success. Then a new legislature was chosen, largely on this issue, and a prohibition bill passed that became, in 1851, the first state law of its kind in America. This "Maine law" fitted the situation so well that it was copied quickly in other states. By 1855 there were thirteen dry states; these all adopted state-wide prohibition legislation nearly seventy years previous to the coming of National Prohibition.

Within two years, however, there came a reaction. The public campaigns among the people and in the legislatures had been hasty, based largely on hatred of drink and the saloon; public opinion did not have time to stabilize; the scientific and indus-

trial backing of later years did not exist; there had been little education of the general public, outside of the state of Maine, for complete prohibition. Then the question of slavery assumed dominant attention thruout the nation and the temperance movement was sidetracked by the approach of civil war. The new prohibition states, with the exception of three, one by one repealed their laws. Of these, two continued in force until 1900 and one, Maine, where prohibition opinion had been most thoroly developed, has retained her law unbroken down to the present time altho there have been periods in which enforcement has been far from what it should be. This reversal of state prohibition sentiment produced effects that lasted fifty years. But it also forced deeper study of the whole problem, led to new and wider experimentation and to a far broader and more closely organized conflict in later years.

During the Civil War period, while the temperance activities of the previous fifty years were almost discontinued, several new factors developed to complicate the whole problem and to make anti-drink progress infinitely more difficult than it had been before the war. Among these was the passing of the Internal Revenue acts of 1862, including for the first time, heavy taxes on beer and whisky as war revenue. This was followed by the organization of the brewing trade for self-protection and

promotion of its business. These factors brought the liquor question into national politics and kept it there thru later years as a perennial issue. Beginning with this period the government came to depend upon the revenue that the traffic now yielded while the organized liquor traffic gave publicity to the fact that it was paying largely toward the support of government. This made the public character of the question vastly different from what it had been. Previous to the war the conflict in a state or community was between the people of that state or community who wished to retain and those who wished to drive out the saloons; it was between groups of people living near together and under similar conditions who wanted drink and those who wanted its removal. Thereafter, when local and state prohibition campaigns were conducted, there were available to support the local saloons the state and national resources of the liquor traffic. National organizations were formed that became powerful, politically and commercially. The trade became united, set apart from other trades and self conscious; it was promoted and advertised as never before.

(3.) *Prohibition States of the Eighties*

Another series of state prohibition movements under new conditions developed in 1880 to 1889. This time the effort was to place the prohibition

provision in state constitutions. This form of law was suggested by the desire to give the measure sufficient time to gain a real test, to give it stronger backing and to insure against temporary reaction of an emotional kind before an adequate test could be made; also, to escape the continuous fluctuations of local no-license and local option changes in policy. Kansas, in 1880, was the first state to adopt prohibition in this form. Following her example, Iowa and Dakota placed the law in their constitutions as did also Maine, which previously had prohibition by legislation. The Iowa law was made ineffective later by a modification that permitted the licensing of saloons on certain local conditions. But North Dakota and Kansas retained their state provisions as permanent products of this period.

4. *In the Local Communities*

Previous to and following the close of the 19th century there was renewed local activity against saloons. The movement reached every state and nearly every part of every state. Based on the claim that every community has the right to remove the sale of drink if a majority in that community votes for its removal, the local option principle appealed to an increasing proportion of citizens as democratic and fair. Every plan for local banishment of the saloon that had been used fifty

years earlier and many new adaptations as well were employed; the units voting included townships, towns, city precincts, counties, special districts and smaller and in some states the largest cities. This resulted in the addition of hundreds of new dry areas each year and the opening of opportunity to millions of additional citizens to study the results, before and after, at first-hand for themselves. The issue of "saloon" or "no-saloon" became a nation-wide issue in thousands of local campaigns each year or each two years. After 1900 this struggle was continuous, increasing in intensity, size of units voting and volume of public opinion expressed, until it merged into the final state prohibition and national Amendment campaigns.

By the time anti-drink sentiment reached a recognized national stage in 1912 it had back of it two or more generations of experimental evidence and thousands of local dry communities. Two generations of young people in the schools had received scientific instruction as to the dangers of alcohol to health, efficiency and happiness. At the same time many other methods seeking the restraint or overthrow of the recognized evils of the liquor traffic were being well tried.

The stages of progress that succeeded each other have been summarized as follows, the order varying somewhat in different parts of the country:

"In the first stage, prohibition was applied to the sale of intoxicating liquors to minors, drunkards and on holidays, Sundays and specified hours in the day. The second stage witnessed the application of prohibition thru the local veto method, to precincts, townships, towns and villages. During the third stage the local option method was used in expanded form so that prohibition might be applied to the district, county or parish as a unit. The application of prohibition to the state as a unit characterized the fourth stage. Prohibition by Congress of the use of inter-state commerce for intoxicating liquors intended to be used in the violation of the laws of any state, thus giving the largest possible degree of state sovereignty on the question of prohibiting or regulating the liquor traffic, characterized the fifth stage of the movement. An iron-clad prohibitory Amendment to the Federal Constitution, the enactment of stringent prohibition enforcement laws by the Federal Congress and the several state legislatures were the outstanding features of the sixth stage."[8]

Yet Drunkenness Grew

Thru a hundred years of earnest effort to solve the drink problem in America the consumption of alcohol continued steadily to increase. Pre-prohibition experimenting went far toward making the character of the struggle clear, educating public

opinion and increasing the number of non-drinkers. Yet during this period the per capita consumption of alcoholic drink, stimulated by modern business promotion, failed not to increase steadily. It was only after a considerable number of states, in addition to thousands of local communities, had banished the saloon that the tide turned. The peak year was 1911, with a per capita consumption of 22.81 gallons for every man, woman and child in the United States.[9] In 1850 the per capita use was 4.08 gallons, over one-half distilled liquors; in the period 1890-1895 it averaged 16.96 gallons; in 1901-1905, 19.20 gallons. By 1911 the steady increase of local dry territory, together with educational effort, brought the trend of more than a half-century to a stand-still and started a rapid decline in the average amount used per year. The steady increase in cities and among certain classes was now countered by effects of local and state prohibition.

Driven from thousands of rural communities and smaller cities drink selling and use had remained and increased in the cities and larger industrial communities. Here it was intensified and complicated by the new immigration—nearly a million a year after 1900, practically all drink users—and by the well-to-do and aristocratic classes who had gained little from the anti-liquor experimenting that had been going on. It was in the cities that drink exploitation reached its maximum of

commercial and political intensity and where illegal selling, even under license, was well established. While a great non-drinking population was being differentiated among the middle classes thruout the United States and while early drink customs were being thrown off, the great cities were being saturated with beer and other liquors during the last years of the 19th and the first of the 20th centuries as never before in the history of the country. At the same time a limited but spectacular and influential section of "new-rich" society, made possible by the increasing wealth of the country, was increasing its indulgence in open, extravagant fashion; certain working classes, because of increased wages, were taking to beer more heavily and competing breweries were turning it out at extremely low prices.

Says an investigator of conditions in Chicago in 1907: "There is now one retailer to every two hundred and eighty-five people . . . every man, woman and child in Chicago drank, in 1906, two and one-half barrels of beer—each also drank about four gallons of spirituous liquor." "The main object of the brewing business, the thoro saturation of the city, especially the tenement districts, with alcoholic liquors, is well fulfilled."[10]

So it became more and more clear that, whatever personal, moral and educational efforts might do to reduce the excesses of drink, drastic legal action

must also be used. Heavy drinking, instead of being occasional, had become systematic. It began to appear that while intemperance of the individual is a vice of savagery—of the ancient savage drinking himself into oblivion, or of the delayed savage of the present day who may pass long periods between debauches—the daily soaking of large numbers of men, year in and year out, was the peculiar product of more recent years. The systematic commercializing of intemperance had become a social crime of civilization.

Observed Experiences

The anti-drink sentiment of the United States reached the place of National Prohibition by the path of experiment. Method after method had been tried; effort after effort to reduce drunkenness and excess had failed or had yielded but partial results; experiment after experiment, conducted openly in the eyes of millions of people, had revealed new difficulties and had met increasing opposition. Attempts to secure moderation left only temporary results. As public opinion grew clearer and increased in anti-drink conviction organized opposition grew stronger. Avalanches of public discussion, for and against, continued for half a century. Every known method had been tried in one or many parts of the country, yet the drink burden and the liquor problem grew.

These experiments gave millions of citizens opportunity to see for themselves. They gave opportunity for the development of first-hand information and impressions. Definite observation thru successive years followed and largely replaced the emotional agitation of the earlier stump-speakers who so vigorously denounced "the flowing bowl." The place of the reformer and agitator became less prominent and the influence of steady-going citizens in thousands of communities, impelled by economic, community, business and safety motives, became more and more prominent.

The thousands of counties, smaller cities, towns and townships and the prohibition states were "experiment stations" of intense, practical, near-at-hand value. The conditions "before and after" were seen personally by vast numbers; the cleaner towns, the better dressed children of former drinking families; the increased savings in the banks, and the prompter paying of grocery bills in dry periods left impressions that the average citizen felt and appreciated. They were real, right at hand, in one's own town or in one's neighbor's town; the effect on one's neighbor's family, or on members of one's own family, or in the collection of one's business accounts or one's rival's accounts from former heavy drinking families, or the new savings accounts in the bank, or the new auto, or the paint on the house of the community drunkard,

were facts that began to speak for themselves in local communities as local dry spots increased to thousands in number over the country.

Many moderate users, too, who had felt no particular injury to themselves and who enjoyed their drinks as long as they could be procured openly by all, supported prohibition because of its community results. They placed their interests as citizens above their more individualistic desires; and with the steady improvement that followed the local dry regime thru personal and community interests of such citizens became more and more nearly identical.

These day-by-day comparisons by average voters among "the plain people," continuing year after year, developed a deep-seated feeling that the saloon and drink were a liability in the community and an enemy to family life. So when a comprehensive measure that was believed to go to the root of the "saloon evil" in the United States was finally launched it gained unexpected support; it went thru the difficult process of constitutional amendment in much shorter time than even the friends of prohibition had anticipated.

Discovering Additional Sources

One result of the years of trial and error in the combat against drink was the discovery that the problem is far more complicated than at first ap-

peared. It was no longer a matter of persuading a man not to drink to excess or to quit entirely. Earnest efforts to this end continued for a century, and with commendable results, yet the public problem at the same time became infinitely complex and difficult. The big facts of the situation were no longer personal; they were chiefly social; the consequences were seen more and more to fall upon the community.

As a result of scientific investigation, together with the years of anti-drink experimentation, four chief sources of the trouble became clear—sources deeply connected with human needs and instincts. These are (1) the desire for stimulation and excitement and the fact that for ages men have been accustomed to gratify this desire with alcohol and similar narcotics; (2) the economic gain to be derived from satisfying such desires and the fact that men, once accustomed to alcohol, will deny themselves daily necessities for the sake of satisfying the desire for it. This gives "the trade" a source of intense economic strength that can be made to yield abnormal profits; (3) the long use of alcoholic drink as a means of sociability and the peculiar sense of freedom that its use brings to the diffident and to those unduly subject to conventional inhibition; and (4) the political power of the traffic that had grown up in the United States, and that is found in other countries as well, as a result of the

questionable yet powerful place that the supplying traffic has in the life of a people.

All of these sources began to appear as a result of the years of effort to find solutions that would reach the sources. In turn it developed that methods, to be effective, must take these all into account, and that complete solution would call for a broad program adequate to reach all these sources. Also, that without the aid of law and force two at least, the economic and political, could hardly be touched at all. In fact, by the opening of the twentieth century all "moral suasion" efforts to combat drink were doing their best, yet the stream of intemperance kept increasing, with more destructive personal and more debauching political consequences year after year.

"Let us recognize once for all," said Homer Folks of the New York Charities Aid Association in 1911, "that liquors are not made to be drunk, but to be sold; that *the most difficult factor in the problem of intemperance is not the man who wants to drink, but the man who wants to sell drinks.*"

Commercialism had exploited the drink habit in America as opium had been exploited in China. But in China the commercial and political forces that did the exploiting were largely outside of the country. Here the drink exploiting was done by immense, powerfully organized and closely knit liquor organizations which were collecting millions

of dollars in profits each year and at the same time paying the National Government one-fourth of its total income and the cities and states a similar share.

"A long and variegated experience with attempts to regulate the liquor traffic showed that it was incapable of being made decent and law-abiding," wrote a noted sociologist in 1921. "It would respect no law, heed no warnings or protest. Always it was secretly digging under or insolently breaking over any bounds the community set for it. So, not out of a sour resentment of other people's pleasures, but out of bitter experience with an unmitigated social evil grew the sentiment for destroying it 'root and branch.' "[11]

CHAPTER II. REFERENCES AND NOTES

(1) At Moreau Springs, N. Y., by Dr. B. J. Clark.

(2) The evolution in opinion may be traced thru the following personal pledges, typical of the periods which produced them:

(a) The first temperance society, 1908: "No member shall drink rum, gin, whisky, or any distilled spirits or composition of the same or any of them, except by the advice of a physician or in case of actual disease, also except at public dinners, under the penalty of twenty-five cents, provided that this article shall not infringe on any religious rite; no members shall be intoxicated under a penalty of fifty cents; and no member shall offer any of the above liquors to any person to drink thereof under the penalty of twenty-five cents for each offense." A similar society about this time pledged its members not to get drunk except on the Fourth of July or a Military Muster day.

(b) The Maine Temperance Society, 1812: "We will at all times be sparing and cautious in the use of spirituous liquors at home, in social visits decline them so far as possible, avoid them totally in retailing stores, and in general, set our faces against the intemperate

use of them, conceiving as we do that except in a very few cases, as of medicinal use, spirituous liquors are the bane of morals and a drain on health, piety and happiness."

(c) The American Temperance Society, 1826: "We, whose names are hereunto annexed, believing that the use of ardent spirits as a drink, is not only needless, but harmful to the social, civil, and religious interests of men; that it tends to form intemperate appetites and habits, and that while it is continued the evils of intemperance can never be done away with; do therefore agree that we will not use or traffic in it; that we will not provide it as articles of entertainment, or for persons in our employment, and that in all suitable ways we will discountenance the use of it in the community."

(d) The Andover Society, 1826: "We, the subscribers, for the purpose of promoting our own welfare and that of the community, agree that we will abstain from the use of distilled spirits, except as a medicine for bodily infirmity; that we will not allow the use of them in our families, or provide them for the entertainment of our friends, or for persons in our employment; that in all suitable ways we will discountenance the use of them in the community."

(e) "Washingtonians," 1840: "We whose names are annexed, desirous of forming a society for our mutual benefit to guard against a practice—a pernicious practice—which is injurious to our health and the standing of our families, do pledge ourselves as gentlemen that we will not drink any spirits, malt liquors, wine or cider."

(f) The Sons of Temperance, 1842: "I will neither make, buy, sell, nor use as a beverage any spirituous or malt liquors, wine or cider."

(g) The Order of Good Samaritans, 1847: "I do furthermore promise that I will neither make, buy, nor use as a beverage any spirituous or malt liquors, wine or cider; that I will discountenance the use and traffic in alcoholic drinks of every kind; that I will use all moral and honorable means within my power to put a stop to the practice of legalizing the same, and will, so far as practicable, seek to reclaim the inebriate from the error of his way."

(3) Woolley and Johnson, Temperance Progress in the 19th Century, 77.

(4) August H. Fehlandt, A Century of Drink Reform, 106.

(5) Raymond Calkins, "Substitutes for the Saloon," an Investigation Made for the Committee of Fifty (1901).

(6) Harry S. Warner, Social Welfare and the Liquor Problem.

(7) Cora Frances Stoddard, "State Experience with Exempting Beer from Prohibition."

(8) Ernest H. Cherrington, World-wide Progress.

(9) Statistical Abstract of the United States.

(10) J. K. Turner, "The City of Chicago: a Study of the Great Immoralities"; *McClure's*, April, 1907.

(11) Edw. A. Ross, Prohibition as a Sociologist Sees It.

III

THE DECISION: WAS IT DEMOCRATIC?

Historically it seems clear that by 1910, when the slogan "A Saloonless Nation by 1920" was first heard,[1] the social consequences of drunkenness and the liquor traffic were well recognized and that their removal had become one of the burning issues of the day. A wide-spread indignation with the saloon as its immediate objective was growing more and more determined in the face of alternate defeat and success; none of the temperance effort as yet had been able to block the steady rise in power of the organized liquor traffic or the increase in the national consumption of alcohol.

It is clear, too, that experimenting toward solutions that would really solve the problem had been going on for nearly a century; that these various methods had approached the difficulty from many different angles; that, while great improvement had been made and the proportion of people personally free from drink was increasing, the public burdens were more consciously felt and the suffering of those groups most degraded by drink were no less serious than at any time in the century of temperance effort. Further, that the modern commercializing of the narcotic crave for alcohol and

the tendency to centralize it into great national organizations that would not be controlled by local or state opinion or law was creating an increasing demand for a national solution that would be as comprehensive as the problem itself.

A Cross Section of 1908

The far-reaching feeling that society would be better off without drink and the saloon, and that something decided must be done to improve conditions, is suggested by what was actually happening. Take a cross-section of the facts—the events of the year 1908, for example, just ten years before the adoption by Congress of the resolution submitting the Eighteenth Amendment to a vote of the states. These concrete facts show how public opinion was being brought to bear continuously year by year in all parts of the country, locally, and in the choice of representatives to the National Congress.

During the year 1908 "the state prohibition law of Georgia went into effect; Mississippi and North Carolina adopted state prohibition, the latter by popular vote, making the total number of prohibition states seven; Illinois in one day voted 1,053 townships dry and closed 1,500 saloons; Wisconsin added 100 new dry communities to those already without saloons; Minnesota 32 towns, Nebraska 30 municipalities, Michigan 10 counties, South Caro-

lina eight counties, Colorado 42 municipalities, Oregon 21 counties out of a total of 32 in the state, while Arkansas registered a large majority of the total vote of the state against the drink traffic in its local elections and chose a dry Governor; South Dakota banished saloons from one chief city and from several smaller ones; Texas added twelve counties to those that already refused license to liquor sellers; Virginia closed 400 drinking places; Rhode Island abolished 429 saloons; Tennessee elected a legislature pledged to state prohibition; California banished saloons from two counties; Maryland abolished them in one county and closed 393 in the city of Baltimore; Worcester, Mass., with a population of 150,000 voted no-license for a second time; Massachusetts banished 215 saloons, Iowa 416, Indiana 720, Ohio 1,910. In this one year more than 11,000 saloons were banished thruout the United States by local and state action, while Congress took additional steps to suppress the liquor traffic among the native Indians. One United States Senator, a dry, was shot in his home city and died a martyr to his convictions. In the elections of representatives to Congress these state and local expressions of opinion began taking an important place."[2]

Similar activities previous to 1908 and from that date until the going into effect of National Prohibition indicate how widely and persistently public

opinion was expressing itself against the whole liquor traffic. In the opinion of Prof. Carver, prohibition "had become by far the most democratic and progressive movement in American political and social life. No other reform had shown such growth in numbers or supporters or had spread so rapidly."[3]

Was It the Will of the People?

To determine, if possible, how far the idea of complete banishment of the liquor traffic had gained the ear of democratic United States and how far its adoption expressed public opinion at the time it occurred is the chief object of the discussion in this chapter. Did it express the will of the people in a thoughtful and serious sense, or in a temporary and emotional way?

Answer to this question is largely a matter of history—an examination of the events that preceded the National Prohibition proposal in the light of how public opinion functions. It depends very much on how it was done—on whether prohibition was adopted after mature deliberation, or under the excitement of a wave of resentment against the saloon and the traffic; on whether it came as a result of deep, well-established desires, or of those less permanent; whether these desires had normal, well-recognized opportunity for expression, and, if so, how far; whether they were expressed in the usual

ways provided by the American system of government and whether the consent of the people, if given regularly, was intelligently given; whether the constitutional safeguards against hasty and emotional action, so effectively established by its makers, were as sincerely respected. For all of this will help to show how far the idea of liquor prohibition had settled down into the thought and conviction of the average, every-day citizen at the time that the final movement for national action came on. It is most important to examine the evidence available as to how far the ideal of liquor prohibition had become a part of active public opinion, and how far this opinion had begun to express itself thru the usual channels connecting the people with their representatives in state and national governments.

The principle of popular government "by the consent of the governed," as it is expressed in the Declaration of Independence, need not be expected to operate differently on this subject than on others. It lies at the foundation of the understanding on which the system of government in the United States is built. Recognition of this principle precedes even the Constitution itself; and it is made specific and safeguarded by the Constitution. In the years since this "consent of the governed" first began to function it has grown to mean much more than mere consent; it has become positive

self-action. But this country has never been an absolute democracy; its system is republican, the people participating thru their representatives. When these representatives are chosen in accord with the provisions of the Constitution, in regular and fair elections open to all voters, democracy functions, decisions are made and the people are effective in government. The strength of this republican system is its efficiency in the long run in responding to the demands of well-digested public opinion—neither failing thru slow operation nor yielding quickly to the demands of the crowd of a moment.

What Is Public Opinion?

Effective public opinion is something more fundamental than the waves of political feeling that pass over the country during the few months preceding an election; it is something more than that which is registered by "straw votes." It is only partially expressed at such times; its full expression calls for more time and for repeated occasions under which it may be clarified, tested and again expressed. This presupposes much discussion and the maturing of attitudes as revealed by repeated action.

Or, stating it another way, there are two very different phases to public opinion on a social welfare problem, such as alcoholic drink; the first, ap-

pealed to at all elections, is made up in smaller part of permanent tendencies on current issues, but also, in larger part of temporary emotions, prejudices and ambitions to win. This sort of public sentiment is quick acting, more or less indistinct and subject to reaction or reversal in a short time. The other form of public opinion is more deliberate, much slower in forming, more concrete and less subject to sudden reversal. It expresses itself in repeated votes cast in the same general direction. It represents experience and direct observation, as well as ideas and emotions.

James Bryce shows how this deeper form of public opinion in the United States "expresses what is more or less thought and felt in all the parties by their more temperate and unbiased members." And he adds: "It is a counterpoise to the power of mere numbers. At a poll one vote is as good as another, the ignorant and unreflecting counting for as much as the well-informed and wise, but in the formation of opinion knowledge and thought tell."[4]

The more superficial form of public sentiment seems to reflect the feelings of people in their first self-assertive moments. It acts without deliberation and with regard to but few of the interests that make up the welfare of society. It has much to do with single elections and the majorities of parties when campaigns are "short and hot." The slower-

acting type of opinion includes among its prompting forces the more altruistic instincts also—the parental and constructive tendencies—that take into account a wider range of interests and a longer look ahead. These include the welfare of the community as well as that of the self, future generations as well as the call of the moment, the race as well as the individual. And it carries with it an implied willingness to endure personal sacrifice of the more immediate desires, if necessary, for the accomplishment of more distant ends. It is to permit the operation of this slow-acting form of public opinion that the Constitution was made so difficult to amend.

Tests of Democratic Action

It is generally agreed, even among those who do not accept the prohibition policy, that there had grown up in the United States by the opening decade of the century, an intense moral feeling against drunkenness and the saloon. This pervaded many classes and included not a few moderate drinkers. The excesses and social corruption connected with the usual "liquor traffic" were notorious. The dangers of alcohol were being taught in the public schools and two generations of youth had grown up to citizenship under this instruction. Thousands of local "dry spots" were being observed and compared with neighboring wet territory by

millions of nearby residents; and new demands of industry for better living conditions and greater efficiency increased the pressure against personal use and the saloon to an extent that created a sort of industrial prohibition in certain trades, such as railroading, the steel mills and factories where highly skilled labor was required.

The idea of legal prohibition had spread widely as a natural result of the many state and local experiments. It had gained vast public attention in Western, Southern and Central states and among a large share of the people of the east altho it had not, to any extent, been recognized in the largest cities or more densely populated industrial sections. The organized anti-drink movement was on a wholly different basis from that of sixty years earlier, when thirteen states had adopted legal prohibition within a period of five years and then all but one as quickly reconsidered their action before a real test of the new policy could be made. Then, too, this twentieth century prohibition movement was taking into account a wider range of human interests—economic, community, family, industrial—than had been done in similar movements at earlier periods.

Yet it needs to be determined just how seriously the country was taking prohibition as a whole; whether the call for complete banishment had gained the support of thoughtful public opinion as

fully, for example, as had the ideas back of the Seventeenth and the Nineteenth Amendments to the Constitution. To answer this the following tests of democratic action may well be applied:

First, had sufficient time been involved, to insure wide general discussion of the question and for reasonable experimentation, to acquaint a great majority of the people with the new proposition, to guard against hasty, emotional or mass-suggestion action? Second, did it have full and free discussion? Third, did the action taken express the choice of the majority? Fourth, was it the decisive choice of the majority? Fifth, did the action taken protect the rights of the minority in a self-governing and democratic country?

(1) *The Test of Time*

The temperance movement had been going on thruout the country for more than one hundred years previous to the taking of the final step to National Prohibition. Personal efforts alone in thousands of communities had been found to be incomplete; these had been followed or accompanied by local restriction and removal and occasionally by drastic state banishment. Millions had signed abstinent pledges in the forties, millions more in the seventies and yet the per capita consumption of drink and the traffic in drink continued to increase, together with their unfortunate social conse-

quences. Great numbers of non-drinkers were being differentiated, yet the social problem was becoming more and more complex. While efforts to solve the personal phase of the problem were yielding promising results, the economic and social were increasingly complicated, and the resentment of those compelled to pay for the consequences of the debauchery of others was growing keener .

Thru the years there were three periods of prohibition experimentation widely distributed historically. These occurred under vastly different conditions, as follows:

(a) A great wave of intense demand that the government cease to license the dramshop and tavern, that were pulling back the drunkards just rescued by the temperance societies, swept over the country between 1851 and 1858. It grew out of daily observation of what was happening to large numbers of reformed drinkers. It was a reaction against a sense of failure in the face of the liquor seller and the attractions of the drinking place. Hundreds of counties and thousands of villages and townships chose to remove license and its legal endorsement from the drink-seller. They wanted to put local government influence on the side of non-drinkers as an aid to those who were yet fighting intense drink habits. Thirteen states at this time adopted state prohibition laws; all but one put them into operation for a time and several of them

for a period of years. One state, Maine, after several reverses that tested the sincerity of the people toward the new policy, continued it permanently. Had not the question of slavery and the bitterness of the war between the states monopolized public attention, the movement at that time would have reached national proportions and it might have resulted in complete prohibition, and that more than a half century ago.

(b) Five states and thousands of counties, smaller cities and townships banished drink selling between 1875 and the opening of the present century. Local option, no-license and special legislative measures for local needs shared in producing these results. The new prohibition states of the period were as widely scattered as from Vermont and New Hampshire to North Dakota and Kansas; yet in the make-up of their population they were very similar, being predominantly descendants of the older native United States stock. Two of these states, Kansas and North Dakota, have retained their laws without repeal or modification down to the present time.

(c) The third period of state prohibition advance, the intermediate period being well filled with a wide extension of local dry territory in practically every state, began with the adoption of the policy by Georgia and Oklahoma in 1907. Following this came Mississippi and North Carolina in 1908

and Tennessee in 1909. Then the number of states grew so that by 1918, when the national measure came up for decision in Congress, twenty-five states had adopted prohibition for themselves and by the time the Amendment was endorsed thirty-three states had done so for their own territory, wholly in addition to their approval of the national act.

In the Federal sphere, there also was much experimenting with the method of legal prohibition previous to the time that the Amendment was proposed in Congress. These measures of a national prohibitory character included prohibition for the Territory of Alaska, for Porto Rico, for the District of Columbia, all under Federal supervision; removal of the drink canteen from the Army and Navy, and, most noted, the Webb-Kenyon Law of 1913 to prevent the sending of liquor from wet states into dry states and local dry territory.

This measure seemed to precipitate the national conflict. It helped make local and state prohibition laws more effective. It marked a decisive period in the movement. It seriously affected the liquor traffic. In the words of the *American Brewers' Review,* early in 1913:

"The passage of the Webb bill by Congress has demonstrated that the last stage of the fight of a half-century has been entered.

"Prohibition is no longer a local issue. The last stage has been reached. Prohibition is a national

danger. The next step on the part of the enemy will be an attempt to pass an amendment. . . . The brewer was wont to laugh at this idea, to consider it utterly impossible. . . .

"The fight (for this bill) was won because the 'antis' have in the course of a campaign of half a century created in the public a wholly false moral atmosphere wherein the use of alcoholic drink appears as something morally wrong and hygienically injurious. . . .

"For the brewer there can be, from now on, only two parties, *viz.*, Prohibition and Anti-Prohibition. He can recognize no other line of cleavage."

This decisive step was accompanied the same year by the adoption of the income tax amendment to the Federal Constitution, with resulting removal of the claim that the national government was dependent on the liquor traffic because of the 30 per cent of its entire income that had been coming from this one source. The "partnership between Uncle Sam and the liquor trust" was broken. The liquor issue, continuously up for discussion in a dozen different ways in every session of almost every state legislature and in every state election campaign, became now the most persistent and warmly fought issue in politics. In one state, during that winter of 1913, forty bills on the subject were introduced in one hour of an opening session of the legislature.

On the other hand, many sections of the great cities were missed in this prohibition experimenting. Educational and temperance activities flourished most among those classes in the cities where they were needed least — among people of the churches, the professional and semi-professional groups and clerks. Here a fair support of prohibition ideals had grown up corresponding with that in the smaller cities and rural sections. But on the whole, especially in the cities of the Northeastern states where the immigrant peoples of the past half-century had largely replaced the earlier residents, neither temperance education nor local prohibition experimenting had left much effect. Most of the people living in New York City had arrived from Europe long after the prohibition movement was well under way. This was true also of mid-Atlantic Coast centers, large and small, as well as of Chicago, Cleveland, Milwaukee, St. Louis and other cities. They had little opportunity to know, much less to see for themselves, what was actually going on in the rest of the country. With metropolitan newspapers unsympathetic and ignoring the subject, both Americans of long standing and later immigrants in these sections missed the time element in this movement of a century.

This situation was well expressed by *The Chicago Tribune,* itself "wet," in an editorial of January 18, 1919, just as the Amendment was being

ratified: "A dazed and bewildered nation is our America. It knows what hit it, but it has only the faintest notion of how it happened."

Some, who did not have opportunity to know of the long period of time back of the final step, sought in the World War and war emotion an adequate explanation when taken by surprise by the coming of the change that it called for in their daily customs. It seemed, on first impression, that the Amendment had been rushed thru without the consideration due so great an issue. Yet the fundamental fact remains that to an overwhelming majority, especially among those of longest-standing American training, prohibition of drink selling had been known and seen in operation at first-hand; and its results had been compared with saloon periods and its support constantly strengthened by these observations. Millions of citizens had participated, year after year, in one or many practical endeavors to banish the traffic from communities and states. The influences that finally carried the idea across national lines were all operating and had been operating for years. The final outcome would have been the same, war or no war. The question would have come up for settlement in a few years, probably by 1920 or 1925 at the latest, and with a yet stronger prohibition majority back of it than it had in 1918.

The long period in which the prohibition idea

was being tested in local and state units, largely rural but also in widely varying densities of population and under different industrial conditions, gave opportunity to millions of people to observe results for themselves. The thousands of dry communities and their occasional return to a wet policy were just this many "experiment stations" where definite, close-at-hand facts and opinions could be developed from actual operation of the policy. This extended in some sections over as many as three generations; it gave time for the growth of that sort of public opinion that goes deeper than first emotions or instinctive reaction against excess. It led to the healthy growth of an intelligent opinion on how best to get results; it gave ordinary voters among "the plain people" the chance of seeing the evidence and deciding on it for themselves. They no longer needed the thrills of the early temperance reformer since they were now judging by the economic improvements in their own neighborhood.

(2) *The Test of Full Discussion*

"Talk is the best way of reaching the truth," says James Bryce in his explanation of how public opinion operates in the United States, "because in talk one gets directly at the facts."[5]

The movement against drink gained its first attention, and doubtless its most continuous atten-

tion, thru the one hundred years of its public discussion thru the medium of neighborhood talk. For the subject is so often a matter of every-day, right-at-hand life. The direct, instinctive reaction against excess, the needless sufferings of the wife and children of the drunkard, the sociability character of the drink itself and all the intimate facts, pro and con, make the question of its remedying and prevention an intimate, man-to-man subject of talk for "high-brow" and common man alike. Then, the movement against drink did not originate "at the top"; it came, not from any idealistic theory of an ideal life, but from the hard facts of ugly, everyday experience.

This topic has been for years, as it is now, a most prolific source of discussion among all sorts of people. It has seldom lacked for discussion. Both the temperance movement to win men away from drink and the effort to obtain law to keep drink away from men have grown with public and private discussion.

During the first period in which legal prohibition was being discussed, 1850 to 1858, immense crowds attended all meetings. More than 5,000,000 members of abstinence societies, at the beginning of this period, shared in it. Their efforts to win others away from drink and to keep reformed men from going back to the bar, were zealous crusades in personal and public talk. In every vil-

lage, farm community, crossroads store and debating society the subject was one of incessant discussion for thirty years; the platform and press were equally alive. It was not a day of great metropolitan newspapers that dominated the reading public, eliminating controverted issues at the behest of financial or other interests; but there were great numbers of small city and county papers dealing largely with local matters. No question except slavery received so much attention as that of drink and its cure.

Again, in the infinite number of local and state conflicts that occurred in the longer period from 1875 to 1917, the community discussion and private talk of the earlier period were renewed and increased. In country school-houses, on lyceum platforms, in churches, town halls and private conversation; later, in business groups, on trains, in labor meetings and political meetings, in country and city alike, "the saloon question" was always "up" for discussion. The meetings set in motion personal arguments that went thru the communities and turned attention toward the conditions that needed improvement. Even the city of Chicago had its local-option campaign, its Sunday saloon-closing movement, its great temperance parade down Michigan Avenue and its wet parade protesting against closing the saloons on Sunday. These started hundreds of thousands of citizens, not

otherwise interested, talking about the idea and its local application. Central and Western cities, as well as smaller places, had similar discussion-promoting events continuously for years.

Thruout the larger part of the country the biennial county and other local option campaigns kept the topic continuously before the public for thirty years. No subject in a community could stir more talk. Massachusetts had a law permitting a vote each year in all its cities and towns; every year hundreds of cities and villages voted, for or against. The liquor issue was without doubt the most abundantly debated question in America for a quarter of a century before the coming of National Prohibition as well as at two earlier periods. "Verily, this thing was not done in a corner."

But in this discussion, again, some of the cities and many large groups in the cities lost out. The absence of local conflicts, the attitude of newspapers which ignored as insignificant movements elsewhere in the country that they did not wish to acknowledge, kept this part of the population in ignorance of the actual progress of prohibition.

(3) *The Test of Majority Expression*

In choosing the route of constitutional amendment to National Prohibition instead of federal legislation or of dependence alone on the continued increase in the number of state and local units,

the leaders of the national anti-drink movement in the United States undertook the most difficult and public-opinion-testing method possible to the accomplishment of their end.

The Constitution is notoriously hard to amend. It responds only to very persistent, far-reaching and united demand from public opinion. It is much more difficult to amend than are those of other modern countries. It was intended, by the founders of the Republic, to be a bulwark against hasty action and waves of emotional sentiment. In one hundred and forty years of its history it has been amended only ten times, the first ten amendments all having been passed at one time. Its effectiveness in sifting down public movements that propose change and in developing opinion to the point of essential truth makes it unique among self-governing countries. The usual criticism is that it is too conservative rather than too hasty in responding to public opinion.

When enacting National Prohibition every requirement of the Constitution was observed in full detail. A Congress favorable to the proposed measure enacted the amending bill, passed it by more than the required two-thirds vote of both houses and submitted it to the states for ratification, with an additional restriction that this be done within a limited period of time. To be effective it was then necessary that the measure receive the

positive approval of both houses of the legislatures of three-fourths of all the states. All of this was done much more fully than was necessary.

The Congress that submitted the Eighteenth Amendment was strongly sympathetic in its membership, having been elected in part each two years during the previous six years, while liquor issues were being discussed more thoroly and generally than ever before in the history of the country. The Congress was the third Congress in which those favoring prohibition had a majority over their opponents, as shown by votes on other measures in which the principle of National Prohibition was involved and in votes on earlier prohibition Amendment measures.

When submitted to the states the Amendment was approved by 46 out of the 48 states, exceeding by ten states the necessary three-fourths required by the Constitution.[6] This meant independent action by each of two houses in all of these states. The Amendment received the approval of 93 out of a possible 96 legislative bodies, including that of one house in one of the two non-ratifying states. In actual operation thirteen state legislative bodies, one of the two in each of thirteen of the wettest states, could have defeated the measure. The advantage therefore, was overwhelmingly on the side of those resisting change, the prohibitionists being the aggressors seeking change.

The vote of the legislators in the various states, just previously elected by the people of their respective districts and states, reflects the feeling of the people at that time about drink and prohibition. "The aggregate vote in the state houses of representatives against ratification was 1,034; for, 3,787, a 78% majority for ratification in the lower houses. The aggregate vote in the state senates was against, 242; for ratification, 1,312, an 84% majority. Or, of both houses in all the states, an 80% majority—viz., 5,095 to 1,276, a majority of 3,819." These figures do not represent mere majorities, nor mere three-fourths majorities; they are decisive majorities. They constitute, as a Justice of the Supreme Court said, "an overwhelming constitutional expression of the people."

When adopted, the National Prohibition acts summed up into a whole the results of a long series of local and state expressions of public opinion. These had occurred in many forms, at regular elections, at special elections, in direct local or state votes on prohibition, in the choice of licensing officials, of legislators, of Congressmen and on questions of license and taxation in which drink revenue was under consideration. In these various forms the liquor issue was constantly at the front, over and over, year after year. It was a never-ending issue in local and state politics. Steadily the number of dry victories increased and the proportion of

dry candidates elected grew larger. Public opinion on liquor prohibition had grown until as Chief Justice Taft said, "it became a real force in every election on any subject."[7]

(4) *Decisive Choice of the Majority*

On any such subject as this, involving the established customs of many people as well as customary ways of earning a living, a broad interpretation of democracy would suggest that action for the general welfare which calls for sacrifice on the part of a considerable number in the minority should have back of it when enacted, not only a majority decision, but also that this decision should be a very decisive majority. There should remain no possibility of doubt or indecision. Such is the theory back of the amending clause in the Constitution of the United States, and such was the practice, to an unusually high degree, in the adoption of the Prohibition Amendment.

No other Amendment of the nineteen has received such strong endorsement from the states, either in the number of states approving it or in the number of legislators voting for it. "The first eleven amendments to the Constitution were ratified by only ten of the thirteen states. There were four states that failed to ratify the twelfth amendment. There were five states that failed to ratify the thirteenth amendment. There were four states

that failed to ratify the fourteenth amendment. There were six states that failed to ratify the fifteenth amendment. There were six states that failed to ratify the sixteenth amendment, while there were twelve states that failed to ratify the seventeenth amendment, providing for the election of U. S. Senators by popular vote, and likewise twelve states that failed to ratify the nineteenth amendment enfranchising women. Yet only two of the forty-eight states have failed to ratify the Eighteenth Amendment."[8]

The original Constitution itself was adopted by a scant majority in several states. Three of the thirteen ratified it unanimously, but the Pennsylvania legislature was exceedingly reluctant to do so at all, Virginia adopted it by but ten votes, Massachusetts by nineteen and New York by a plurality of three, with several members refusing to vote at all. Rhode Island would not send a delegate to the constitutional convention and did not come into the new Union at all for months, and then did so by a slender majority of two votes of its legislature. Thus it is seen that the legislative representatives of the people gave much stronger support to National Prohibition in 1919 than did their predecessors to the adoption to the Constitution of the republic itself.

By the time National Prohibition came into effect in 1920, the steady growth of public opinion, in

its deeper and more permanent form, had reached the place indicated by the following statement of facts: "More than 90% of the townships and rural precincts, 85% of the counties and more than 75% of the villages of the United States were already under prohibition by state legislation. Two-thirds of the members of the Senate of the United States and 70% of the members of the lower house of Congress represented states or districts that were under prohibition by state enactments. In fact, as a result of the operation of local option and state prohibitory measures, 70% of the population of the United States and more than 95% of the land area were already under prohibitory legislation. National Prohibition, therefore, did not materially change conditions in the greater part of the country and with a large majority of the people. It did directly and radically affect 30% of the population of the United States and less than 5% of the land area.[9]

These facts are far-reaching tests of the strength of the majority that gave National Prohibition its support at the time of its adoption. Following the representative system established by the Constitution and working thru state legislatures, thru direct choice of Congressmen, the acts of these Congressmen, and the submission of the measure to the states for ratification, public opinion, by a very large majority, carried thru the National Prohibi-

tion Amendment and its enforcing legislation against heavy obstacles designed to prevent hasty action and against strong opposition that made hasty action impossible.

The passing of the enforcing legislation was no less decisive. This bill, known as the Volstead Act, was adopted in the houses of Congress by large majorities, first in the form of ordinary legislation. It then met veto at the hands of the President. This sent the bill back to Congress, enlarging the necessary majorities by requiring a two-thirds vote of each house to overcome this veto of an unsympathetic Executive.

It is evident that the large and vital measures connected with the adoption of National Prohibition followed all constitutional guarantees against small-majority or hasty action; also, that they overcome additional handicaps that made the work of the prohibition majority yet heavier and the final results more than ordinarily decisive.

If it be suggested that certain legislators or congressmen, long in public office and personally unfriendly to liquor banishment, gave political support to prohibition at the time of its adoption or since, it may be noted that this is equivalent to saying that their people wanted prohibition and that such men were compelled, as representatives of their constituents, to support the new policy. The last thing an elected public official cares to do is to

go contrary to the permanent wishes of his constituency. He is fundamentally answerable to them, as indeed he should be, under a representative form of government. To have overcome the handicap of opposition of this sort is an additional testimonial to the force of the public demand calling for National Prohibition at that time.

(5) *Preserving the Rights of the Minority*

Rule by vote of the majority seems to be the most practicable way of operating government in modern democratic countries. To whatever abuses it may be subject, it is the most workable device yet found for living together in peace.

But it is not in accordance with the spirit or letter of majority rule as understood or usually as practiced in this country that the majority shall have unrestricted power over the minority, any more than that the minority shall rule the majority. The Constitution as clearly guarantees the rights of the few against the many as it guards against the arbitrary rule of dictator, monarch or aristocracy.

Comparing it with the British system where individual freedom is supreme, James Bryce says:

"England has left the so-called constitutional laws at the mercy of her legislature, which can abolish any institution of the country or even Parliament itself. America has placed her Constitution altogether out of reach of Congress. In England

Parliament is omnipotent; in America Congress is doubly restricted." [10]

While the Constitution of the United States insures the rule of the more slowly-developed majority, it at the same time leaves free the right of every man or group of men to hold opinions and to promote them, to organize, to cultivate public opinion and to agitate to any extent short of violence in behalf of such opinions. Freedom of speech, of unrestricted discussion, of publication and appeal to public opinion are the common sacred privileges of all—and are to be preserved as such. No judge except public opinion may be the final judge of arguments and facts. There may be some among the supporters of prohibition, at the present time, as there were among their opponents in past years when the situation was reversed, who would limit these guaranteed freedoms of the minority. Such views are short-sighted and aristocratic in spirit, to whichever side they belong.

When a political fight has been made and a victory won the American spirit recognizes the right of the majority to rule and of the minority to "come back." The minority accepts the decision in the spirit of fair play, as it would expect to be treated had its side been victor. Loyalty to the results of the game is loyalty to common rights. The majority is then responsible for government. It must "make good" and win over to strengthen its side

the fair-minded men of the opposition. The minority is privileged, by fair criticism and constitutional methods, to regain public confidence, rebuild public opinion, fight and bring back the majority to its side if it can do so.

But the "rules of the game" established in the Constitution must be followed. Only those who are loyal to the decision are morally qualified to seek its change. Evasion, law-defiance, nullification of law or the seeking of special privileges on the basis of class or opportunity or wealth, marks the attitude of the criminal or of the self-seeker who has no respect for democratic rule.

The minority is not justified in a feeling that it is under a sense of coercion when required to follow the methods of change laid down in the Constitution instead of seeking "nullification" or "conscientious objector" short-cuts. For eighty years the prohibitionist, in his desire to promote his cause, worked under this requirement. He could ask justly only freedom of speech, freedom to organize, to publish his propaganda, to win a majority if he could against natural opposition, prejudice and material interests. There was no other way. Now the decision for the prohibition policy, after a period that insured both opportunity for discussion and practical testing of his theories, has been adopted by real majorities. There is no ground for thinking the outcome was unfair.

Many of the minority, since the going into effect of prohibition, are impatient because of the delay they face when seeking a re-amending of the Constitution. They desire short-cuts; they want interpretations that would weaken the effect of prohibition by direct methods. Some want Congress to be given the power of amending, so they may reach their ends by the very methods the use of which the Constitution seeks to prevent. They ask referendums in order that the great factor of deliberation may be out-substituted by crowd clamor. But it is better, far, as in the past that decisions on such vital subjects should be over heavy obstacles as guarantees against hasty action. Thus liberty is protected against passion and opportunity is given to weigh and test before final decision. This is the peculiar strength of the Constitution—that it gives freedom to the minority while making workable the necessary rule of the majority.

Re-enforcing the Decision

Another test of the essential democracy of the decisions for prohibition is beginning to appear. This is the reaction of the majority of the people toward the policy after the observed results of its operation over a considerable period of time have begun to accumulate.

For example, among the states that were dry by state decision before the adoption of the Eight-

eenth Amendment, may be noted the following:

Michigan, a growing industrial and mining, as well as agricultural state, with peculiar difficulties because of its closeness to Canada and the ease with which rum-runners cross the rivers, adopted prohibition in 1916 by a majority of 68,000. In 1919 it defeated a wine and beer proposal by 207,000 majority. Had the latter vote suggested the return of all liquors the majority against it undoubtedly would have been even larger.

Ohio undertook state prohibition in 1918 by a majority of 25,700 in a state- wide vote. In 1919 the people of the state endorsed the previous decision by raising the majority to 41,800 and again in 1922 they re-endorsed prohibition by the increased majority of 189,000.

In 1914 Colorado adopted state prohibition, the majority being 11,000; in 1916 it defeated a beer and wine legalization measure by 85,000 and in 1918 adopted a rigid dry enforcement law by a majority of 40,000.

In 1914 Oregon approved prohibition by a popular vote of 36,000 majority and in 1916 defeated a measure to return beer by 54,000 majority.

The state of Washington in 1914 adopted prohibition by 18,000 majority and two years later defeated a beer proposal by 147,000.

Arizona adopted state prohibition in 1914 by a popular majority of 3,000 and two years later de-

feated an amendment intended to weaken it by 12,000, three times the first vote.

"In every case a much larger majority was given after prohibition had been tried than before. These six states in earlier elections when prohibition was adopted gave a total prohibition majority of 164,211. But in the later votes they more than quadrupled the dry majority increasing it to 695,057."[11]

A similar trend is noted in Oklahoma which included prohibition in her constitution, when becoming a state in 1907, by a majority of 18,000; in 1910, after three years trial, a proposal to license the sale of liquor was defeated by 21,000.

It is to be noted that among the thirty-three states that since 1900 have adopted or continued state prohibition for themselves, including in the number six of the nine most populous, there are but two in which a reversal has occurred. The trend in state votes, whenever the issue presented has been one of legal and binding effect and not of a temporary or non-binding character, has been overwhelmingly toward strengthening the earlier majorities for the law. As Dr. Colvin shows, "the people have progressively supported prohibition. A study of the votes is absolutely convincing."[12]

Also in the repeated votes by hundreds of counties and towns in various states during the twenty years preceding the coming of the national policy,

there was strong evidence of the steady increase in popular support of prohibition. In these units the first dry success was often followed, two years or four years later, according to the voting periods, by a reversal vote; these reactions however, with few exceptions, proved to be temporary. Such counties, after a renewed first-hand experience with drink, again voted dry; this time they remained dry, altho sometimes there were several swings of the pendulum, back and forth, before a stable dry policy was assured. These alternate experiences in counties and other local units in the long run tended steadily toward increase and permanency in the prohibition majorities.

Public opinion in its growth seemed to pass thru a cycle or several periods of action and reaction before it fully discovered itself. First, there was the reaction against the saloon and its well-known influences; then, after two to four years, a counter reaction occurred against law violation and the bootleggers from nearby wet counties and cities; then, with opportunity to compare the two sets of conditions and a renewed impression of what the former saloon conditions were, the prohibition policy became permanent and the citizenship of the community set itself to reduce law violation and to give the prohibition policy undivided support. Over and over this experience happened in local communities. People learned to look beyond mere

first impressions about either wet or dry periods. And out of this grew a practical public opinion, based less on theory and more on experience and first-hand knowledge. It is this form of steady dry public opinion that is now functioning in many central, western and southern states and in considerable sections of the east as well.

Safe-Guarding the Democratic Process

Tendencies toward mass emotional action in the later years of the movement leading up to National Prohibition were held in check and largely eliminated from the final decision by the resistance of long-standing drink customs, the growing strength of the organized liquor interests and the alternating successes and failures of years.

At several periods intense waves of public feeling against drink have rolled up and swept over the country. One of these, for personal abstinence, began in 1840 and continued with great popularity for several years; many others, such as the Murphy movement of 1880, followed this one. Then again, there was the rapid voting for prohibition in many localities and thirteen states in 1850-55 and the Woman's Crusade of 1873, an uprising of women of all ranks including many of highest social standing, who went out in large groups to plead with saloon-keepers to give up their business in the interest of the children of the drinker. These were

all intensely contagious, spreading widely over the whole country; yet, after a certain amount of progress, they receded, leaving much to be done by less spectacular methods.

The natural resistance of the opposition that retarded the anti-drink and prohibition movements, delaying progress many years, unintentionally insured the deepening of sentiment against the traffic and compelled thoro and more scientific investigation, broader study and that form of slow, steady change in opinion that comes only from the most intelligent discussion that can possibly take place. Among these were (a) the hostile press, especially powerful in great cities. New York and much of the East owe their present sense of having been caught "off guard" to the policy of their newspapers in minimizing, for twenty-five years before 1918, the happenings of a prohibition character in the Central and Western states. (b). The organized liquor forces, with millions of dollars invested yearly in wet news, publicity material, speakers and in the influencing of public officials, legitimately and illegitimately, retarded prohibition and helped to insure the democratic process against hasty action.

Popular Expression in a Typical State

In several states the process of public deliberation on the idea and results of prohibition had gone

much further at the time of the national decision than it had in others. Among the most advanced was Kansas, where the state law had become a recognized policy fully supported by public opinion and with a generation grown to manhood free from drink and the saloon. Respect for the law, which in earlier years was brought about by compulsion, had become voluntary. On the other hand, there were other states and great cities in which, except among the people of local dry spots, there was little or no first-hand acquaintance with the prohibition policy on which to base any sort of experimental public opinion.

Between these extremes are such states as Ohio, more typical than either New York or Kansas of American life as a whole. Ohio contains all types of Americans; it has great cities and well-populated rural communities, 49% of the people being urban and 51% rural; it has great industrial centers, a high per cent of foreign-born people and all the complex interests that go with highly developed modern life. It is composed neither predominantly of "old American stock" and farming life, as are some of the states farther west, nor is it made up overwhelmingly of recent immigrants or dominated by city influences as are some of the states further east.

The successive popular votes on liquor prohibition in the State of Ohio during ten years gave an

example of the evolution of public opinion on the question. Time and again during that period public opinion was tested. Every possible variety of local and state experimenting was carried on. At first, all state-wide elections gave a decided wet majority; but steadily a change occurred in public expressions of opinion; the number of supporters of prohibition steadily increased and those of the opposition as steadily diminished, until an attempt to gain support for the return of beer and wine was defeated by a majority vote of 190,000.

The trend in public opinion in Ohio seems to express the deeper, more permanent attitude of a people that have had sufficient opportunity to compare the situation, before and after, and to do so over a considerable period of time. It is especially significant in view of the composite character of the population of the state. In the following table, note the steady shift of opinion from wet to dry:

The Drift

Of Successive Votes in Ohio.

1914 wet by	84,152	majority
1915 wet by	55,152	"
1917 wet by	1,137	"
1918 dry by	25,759	"
1919 dry by	41,853	"
1922 dry by	189,472	"

Two Referendums on Beer

Twice the people of Ohio voted on the issue of permitting the sale of beer and so-called "light wines" with continuance of prohibition of the sale of the stronger alcoholics. The results of these votes show the direction of opinion as both have occurred since the going into effect of prohibition in the state. They are as follows:

Votes on Modification

to Permit Return of Beer.

1919 defeated by 29,781 majority
1922 defeated by 189,472 "

In this state, typical of the central influential section in American affairs where the temperance movement was active among earlier generations and where essential American ideals are well established, prohibition has moved forward in its most democratic and permanent form. Here later immigration influences have been more nearly ab-

CHAPTER III. REFERENCES AND NOTES

(1) Proposed by Dr. Ira Landrith at the National Convention of United Societies of Christian Endeavor at Atlantic City, 1910.

(2) Ernest H. Cherrington, "Evolution of Prohibition in the United States," 290-293.

(3) Thos. N. Carver, "The Greatest Social Experiment in Modern Times."

(4) James Bryce, Modern Democracies, I, 160.

(5) "Modern Democracies," I, 156.

(6) The two states that failed to ratify the amendment, Rhode Island and Connecticut, are among the smallest; (one house of Con-

sorbed and "Americanization" has taken place to a higher degree than further east where the plain middle classes, which make up so large a part of the effective voting population, have been replaced largely by the immigrants of the past fifty years, and where such parasitic growths as Tammany Hall have flourished, and conditions have kept the mass of voters ignorant of social movements in other parts of the country. For "it was west of the Allegheny mountains, in the second generation of American citizens, that democracy really started in its modern sense as a system of social standards and had its normal effects on human character and conduct." [13]

In the words of an impartial and long-time observer, James Bryce, "Americans have been true to the principle of Liberty in its social as well as its political sense. The right of the individual man to lead his own life in his own way is better recognized now than 90 years ago, when Tocqueville noted

necticut ratified); in Rhode Island, 88.9 per cent of the people, in 1920, were foreign-born or the children of immigrants, and in Connecticut, 63.2 per cent were in this class.

(7) Wm. H. Taft, Is Prohibition a Blow at Personal Liberty? L. H. Jr., May, 1919.

(8) Ernest H. Cherrington, "Permanent American Prohibition Assured."

(9) Ernest H. Cherrington, "World Progress."

(10) American Commonwealth, I, Ch. xxiii.

(11) D. Leigh Colvin, "Prohibition in the United States," 435; for a thorough study of popular votes in the states see Dr. Colvin's book, 430-440.

what he called the Tyranny of the Majority. . . . The prohibition movement has not proceeded from any one class or section of the community. Neither party took it up, because both feared to alienate a part of their supporters. It grew partly because employers thought it made for efficiency, partly because Southern men desired to stamp out the risks of intoxication which made the negro dangerous, but mainly because it appealed to the moral and religious sentiment of the plain people."[14]

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(12) The Drift of Opinion in Second *binding* votes is suggested by the following:

THE DRIFT OF OPINION—2nd Votes

Ohio	1918	"Dry" by	25,759	1922 "Dry" by	189,472
Colorado	1914	" "	11,572	1916 Ag'st beer by	85,792
Oregon	1914	" "	36,480	1916 " " "	54,626
Michigan	1916	" "	68,624	1919 " " "	207,520
Arizona	1914	" "	3,000	1916 " modi.	11,000
Washington	1914	" "	18,632	1916 " beer by	146,566
Oklahoma	1907	" "	18,000	1910 " license	21,000
California	1920	Against enf. act, "wet" by	65,000	1922 For enf. act, "Dry" by	24,000
Massach's'ts	1922	Against enf. act, "wet" by	103,000	1924 For enf. act, "Dry" by	4,000

(13) A. T. Hadly, Our National Character, *Cur. Hist.*, Oct., 1924.

(14) James Bryce, Modern Democracies, II, 158.

IV

RESTRICTING FREEDOM OR INCREASING IT — WHICH?

It may be asked what has this wide experimental laboratory of a century to offer about the meaning of liberty in so far as prohibition of alcoholic drink is concerned? Has the drift of the movement on the whole brought a sense of heavier burden or a sense of greater freedom? Is "personal liberty," not in the abstract but definitely in the lives of men, women and children, greater where drink goes out, even with the aid of the heavy hand of law, than it is where drink remains? Should liquor prohibition, on the whole, be classified with the tendencies that limit human freedom or with the great liberalizing movements of today?

While these questions may not be answered off-hand, either in this writing or in public discussion, they are well worth more consideration than is ordinarily given them. They lie at the heart of the subject today and the conflict in public opinion that is going on so intensely about it. They need to be discussed frankly and broadly in the light of present-day conditions and in a scientific attitude of mind.

An Individualistic People

It is clear from the historical view that the outstanding events in the movement of thought and

action that led up to the national edict against the liquor traffic in the United States occurred among a very individualistic people. The earlier attempts toward personal and moral limitation and abstinence were made by the direct descendants of that great migration to the western world that had been drawn here by ideals of freedom—freedom of conscience, of speech, of civic conduct, for self-government and economic opportunity. And it was among the later generations of these same people, remaining in the less populated Eastern communities, or scattered widely thru city and country alike of the Central, Western and Southern states, that the idea of liquor banishment grew up and was most intensively tested. Prompted by religious and social service motives, closely connected with ideals of saving the fallen and making it difficult for others to stumble into the ditch, these adventurous and aggressive people of two or three generations ago caught the vision of a community or nation that, with the aid of government action, should sometime be free from the consequences of alcoholic drink that were so familiar to them.

Being practical men, they put their ideal to the test, trying it out repeatedly in states and smaller communities, for long periods of time. Prohibition originated among those who had the longest and most varied experience with attempts to limit drink—and among people predominantly of the

older American stock. Experimental knowledge of freedom from drink is, therefore, essentially American in the older meaning of the term.

Changing Conceptions of Liberty

The questioning as to whether the general use and distribution of alcoholic drink in a community is an aid to the realization of human freedom, or whether it is an obstruction in the way of advancing freedom, seems to have arisen quite early in the temperance movement.

At the opening of the century of conflict "drink" was assumed to be a natural right and privilege of all who cared for it. The privilege was generally utilized among all classes; while there were non-drinking families and groups, especially among the people of the churches, alcoholic drink was the usual, not the exceptional, custom. There were many restrictions against excess—family and community opinion, moral and religious influence and social restraints. Yet everyone was free to purchase or exchange other products for it, or to make for himself such intoxicants as could readily be produced at home. The license usually required of tavern-keepers and other retailers did not materially limit, but often increased, the amount sold. The historic idea was "drink and be free."

But as soon as the temperance movement of the first half of the century reached the position at

which total abstinence from all liquors was emphasized as the only safe course for those who wanted to avoid excess, and where the increasing number of abstainers and reformed drunkards furnished contrasts for daily observation with those who continued to drink, first expressions of a conviction that innocent people, especially the wives and children of drinking men, were not free began to appear. It became more evident that the community at large as well as immediate dependents were compelled to bear many of the heaviest resulting burdens.

On the other hand the conflict about freedom to drink that has centered in the idea of "personal liberty" began early in the movement and has continued with no less heat ever since. "The sinister purpose to destroy the liberties of the American people" was an answering charge to the speakers in public pledge-signing meetings from the viewpoint of the opposition as early as 1836. About the temperance leaders of that day it was said: "Under the guise of moral reform they were carrying out their sinister purpose to destroy the liberties of the American people. By an inquisitorial system which left the individual neither the keeping of his own conscience nor the use of his own judgment they compelled the acceptance of their doctrines. The manner of obtaining signatures to the pledge was particularly artful and cunning, for signers are

cleverly led to the altar and there compelled to humble themselves before the public. The principle of the movement was coercion, not reform. The individual was prostrated by the force of an overpowering bigotry, and became an unwilling servant of zealots whom he despised."[1]

In recent years more careful study of the subject is giving scientific support to the knowledge gained by the rough and ready method of observation. The traditional role of alcohol, as the popular "stimulant" of all the ages, has been shattered. The basis of the enjoyment it brings, as stated by David Starr Jodan, is seen to be "the effort to secure thru drugs the feeling of happiness where happiness does not exist. Men destroy their nervous system for the tingling pleasure they feel as its structures are torn apart." Thruout the centuries men seemed to get from it almost anything they wanted. They use it today "to escape from themselves" as they did under middle-age superstition and savage fear. It serves to stir up and enthuse, to create dreams, to deaden pain and to soothe. It has been used as a means of keeping warm in winter and of cooling off in summer. It is supposed to stimulate muscle and brain and heart; yet it does none of these—rather, it depresses them. It is popularly supposed to be necessary in case of physical emergency, yet it actually reduces endurance. It is used to express hospitality and friendly feel-

ing, yet it leads to crime and vice and anti-social conduct and character. Its chief quality is its capacity to create delusions. That is why it is sought of men. It measures self and the world in a false light; it creates a dream-world, shutting out reality, and it leads to acts expressing these delusions. It creates a sense of "personal liberty;" who is, or can be, more happily free for the moment, than the half-tipsy man?

But freedom is a positive concept, not merely a negative means to escape. It carries with it increasing power to satisfy the great human needs; to be able to remove the burdens that over-weigh, to have access to healthful recreation as an offset to monotony, toil and strain—not to narcotize the nerves—is the way to personal liberty. Freedom in a community does not imply unlimited opportunity to indulge questionable desires. Rather, the limitation of such desires opens the way to growth and increases the capacity for freedom as well as opportunities for its expression. Freedom from the narcotic force of alcohol permits one to function more, to enjoy more, to be more than he otherwise could be.

Individual freedom, as it is being understood more and more, places emphasis on opportunity, on the existence of conditions and rules of life under which each may have the fullest play of all his faculties. It would be a far stretch of imagination to

say that the removal of the free public sale of alcohol from a community reduces the opportunities for an individual in that community to make the most of himself.

According to this view the legal step that it seemed necessary to include in the great struggle of more than a century against the social blight of alcoholism is a step toward greater freedom of both individual and society. It is a revolt against intolerable conditions and ancient, thoughtless customs, that, under the guise of "personal freedom," were in fact enslaving both the individual and society. It was part of a liberalizing movement rather than an act adding new burdens. It was based on a distinction between the form and the substance of liberty. As stated by Prof. Irving Fisher, "It is untrue that prohibition is a violation of a man's personal liberty any more than are compulsory education, compulsory workmen's compensation, tenement laws or law in general. Alcohol prohibition is in the same class as opium prohibition. If liberty to be illiterate, to endanger workmen's lives, to build dark-room tenements and to narcotize oneself be liberty in form, it certainly is not liberty in substance. Naturally, every law to promote human liberty must be, in form, restrictive.

"The test of actual experience shows that, in prohibition territory, the feeling that personal liberty is hampered tends to disappear and in its place

comes a very real sense of society being liberated from slavery to alcohol and from the thralldom of drunkenness, crime, vice, delinquency, inefficiency, degeneracy, destitution and political corruption.

"The drug which 'steals our brains' thereby really impairs our liberty and prohibition restores it, because the essence of liberty is psychological. It is the power to satisfy the major instincts such as the instinct of self-preservation, of accomplishing good work, of self-respect and of creating and keeping a happy home."

"Personal Liberty"—Whose?

The older conception of "personal liberty" to drink and to have ready public access to intoxicants referred to the liberty of the drinker alone. His were its dangers and pleasures and his, so far as ordinary thinking was concerned, its unfortunate consequences.

But years ago it began to be seen that the family was the chief sufferer. It became evident that while the pleasure was personal, the suffering that drink caused was in largest part social,—and to such an extent as to overshadow almost entirely the personal feeling of the drinker himself.

So, when individual freedom is the question to be considered, this additional question must go with it: Whose liberty? That of the drinking man or that of his wife, or of his children? Or, if the

drinker is a woman, her freedom alone or that of her children, or the right of her future children to be well-born? For it is wholly impossible for the drinker, moderate or excessive, to keep the unfortunate consequences of alcohol to himself. He may be ever so ready to assume all the evil results; yet, as scientific evidence and daily observation both show, this is and long has been wholly impossible. From the simple standpoint of "personal liberty" merely the weight of the argument is on the other side.

The "personal liberty" people need not be so self-conscious. They placed themselves, by thotless assumption, between a vital human need—the removal of alcohol's social blight—and the efforts being made to do away with that blight. It is an impossible position, for, being citizens interested in the welfare of their country, they are as much interested as anyone else in the protection of family, the children of the community, the future race and the safety and economic welfare of society. It was not necessary that they put their drink tastes up against the functioning of their own larger selves. It is no less "natural" for a man to permit his social instincts to take precedence over his self-assertive tendencies than it is for him to permit his one-track drink desire to defeat his own parental and citizenship tendencies and aspirations. A man is not a bigger man—or more free—who de-

mands alcohol for himself, while scoring the drunkard, than is he who voluntarily gives up the drink he may not abuse for the better welfare and the happiness of a community of which he also is a part as well as a sharer in improvements that are expected to follow.

So it has been in the progress of prohibition. Finding law, as he believed, a necessary step toward the removal of the liquor traffic, the average American, seeing how it actually worked in experimental communities, chose to set aside his drink pleasures and to obtain in their place the satisfactions that come from the functioning of his own more social, more altruistic and future-looking self. He assumed the responsibilities as well as the privileges of his citizenship. He found that "democracy is something deeper than liberty; it is responsibility."

The Individual and His Community

From the earliest days down thru all the variations in the experiments undertaken to solve the drink problem, one chief inspiring motive of the average citizen has been the defense of the wife and children of the drunkard. From this the expansion of the idea to the immediate community, to the non-drinking victims of drink excess and to the social and economic burdens cast on the public by the saloon was an easy and natural step. Efforts

to restrict and then to prohibit the sale became measures of social and moral hygiene; it seemed necessary that these steps be taken to insure safety and welfare in the community, after other methods had failed to reduce materially the public consequences of drink excess.

For, individualist tho he is, the average citizen, accustomed to self-government, feels a sense of responsibility for what is going on in the community where he lives. On the liquor question, an issue close at hand and readily appreciated by all, a very keen spirit of concern in a thousand communities outside the larger cities had expressed itself over periods ranging from twenty-five to forty years. The conflict between those who wanted freedom to drink and to make profits out of selling drink, on the one hand, and those who emphasized community, health and safety, grew increasingly sharp year by year. And gradually it broadened in conception. It came to be a conflict between two great human tendencies—tendencies present in both saloon sympathizers and saloon opponents. The real divergence came to be that between the social instincts of individual citizens and the more strictly personal desires of these same individuals. For the average man is not governed wholly by his "personal liberty" tendencies. He is also a member of a community, a citizen, a father, a taxpayer, a fellow worker among other workers in shop or factory

or railroad where the safety of each is dependent on the sobriety of all. Or he is an auto-driver with friends and wife and children whose freedom and happiness are limited strictly by the sobriety of other drivers. Men are not always most concerned about preserving an elemental freedom to obtain unlimited opportunties to self-indulgence. Acting in their larger selves, surprisingly large numbers of former drinking men responded to the prompting of their own social tendencies and voted and worked for prohibition during the period that it was becoming a national issue. They gladly gave up old privileges and long-accustomed enjoyments that their community and their children might be the gainers. Prohibition would not have been passed with such large support had there not been many such men with a larger and more altruistic conception of freedom, men who desired that something far-reaching be done to lift the heavy social burdens of drink. For long ago they had discovered that its excesses could not be confined to the drinker; that the worst burdens fall, not upon him who becomes intoxicated, but upon those who suffer because of the toxic habits of others.

It was these community consequences of drink—consequences that the individual could not keep to himself—that had most to do in finally consolidating public opinion into support of complete national prohibition. The intense growth in eco-

nomic and political power of the traffic in drink made it more and more difficult for a dry community, a dry county, a dry state, to obtain freedom from these burdens. It became more and more difficult for a moderate man to remain moderate. The attitude of many citizens who were neither temperance nor drink fanatics, but were much concerned about the community in which they lived, was pungently expressed by Bernard Shaw, who says:

"If a natural choice between drunkenness and sobriety were possible, I should leave the people free to choose. But when I see enormous capitalist organizations pushing drink under people's noses at every corner and pocketing the price, whilst leaving me and others to pay the colossal damages, then I am prepared to smash that organization and make it as easy for a poor man to be sober if he wants to as it is for his dog."[2]

What of the Minority?

But while the larger view, that tended to identify individual welfare as to drink more and more with that of the community and the nation, was prominent in the final movements that made liquor prohibition the policy of the nation, there was a very large minority who thought otherwise. It would not aid clear thinking and it would be wholly unfair to some to put into one class all those who were

unfavorable to the new adventure. Instead their views and their character as citizens were so widely divergent as to leave little in common among them except opposition to the new situation created by the adoption of prohibition.

Among those who, since the going into effect of the Eighteenth Amendment, have been classed together all too frequently as opponents of this experiment in social democracy, there are two very different classes:

First, the "missed;" those who were unacquainted with the efforts previously made to stop the social blight of drink and who were overlooked in the preceding temperance efforts of a moral and educational character and who had seen little or nothing of the wide-spread local experimenting that had gone on for many years thruout so large a portion of the United States.

Second, the "opposition;" those who want to retain ready access to intoxicating drink for themselves or for others; those opposed to legal prohibition as an undue restriction on individual freedom or as an improper function of government; the alcohol-appetite group; "the adventurers" who drink or carry drink for the sport of defying convention or law or shocking conservative people; the so-called "privileged" groups, who for adventure or indulgence or for any reason freely ignore the rules or laws of society when they happen to interfere

with their immediate pleasure; the commercially interested and the helpless complainers about the difficulties in any situation, whatever these difficulties may be.

Because of the widely different interests back of the opinion and conduct of these groups, and because of the relative importance or unimportance in influence and numbers of some of them, more detailed consideration is desirable.

Groups That Were Missed

When, in 1837, New York was largely an "old American" city, the temperance movement became so popular as to enroll in its active membership one-third of the entire population. These societies held public meetings, discussed the dangers of drink, managed educational and moral campaigns and promoted the signing of abstinence pledges. The city was but typical of other Eastern cities at that time.

But by the time prohibition was adopted a very different situation had arisen. As a visiting English writer put it: "New York is a foreign city that happens to be in America." It had then become a city of 5,500,000 inhabitants, only about 5% of whom could point to grandparents born in this country. It was among the ancestors of this 5% that the great abstinence campaigns of earlier days had taken place. Of the present population

nearly 2,000,000 are foreign-born; two and one-quarter million have one or both parents foreign-born; one million are native-born of native-born parents. In other words, about 76% of the population is foreign-born or of foreign-born parentage. In Chicago the ratio of the same group to the total population is about 75%; in Boston 73%, in Philadelphia 60% and in smaller cities of the industrial section it is similar.

To many in this great group National Prohibition came suddenly and unexpectedly. They had little or no opportunity to learn what had been going on in other parts of the country toward change in personal habits and saloon removal. They had no share in the local prohibition experimenting and almost none in the temperance educational activities of the century. In large part they had been overlooked in the anti-drink movement. While temperance agencies had given them limited attention the influence of their own foreign-language press, the city politicians seeking their enfranchisement and votes, their own nationalistic leaders and the ever-present saloon, the only social center available to many, were all so strongly on the side of former drinking customs as to reduce the effect of American temperance educational effort to almost nothing. Most of them had arrived here after the great abstinent movements of the pre-Civil War and the post Civil-War periods had

swept over the country. Too often they lived in colonies, barred by ignorance of the English language and the prejudice of their older American neighbors from a share in the constructive activities of community and state, while being exploited politically by anti-social interests that needed the support of numbers. They had been afforded little opportunity to see for themselves what so many citizens elsewhere during twenty-five years had seen—the changes that occur after a few years in a community that "goes dry."

On the contrary, landing in the great cities and remaining there thru preference or ignorance of the opportunities further west and exploited by shrewd men of their own race who had arrived earlier and learned how to take advantage of the new arrivals, they became, too often, the tools of unscrupulous political machines. Big city political agencies, such as Tammany, early taught them the money value of a vote, naturalized them in droves, encouraged the continuance of a foreign-language press, utilized the thousands of saloons as meeting places and massed this controllable vote for years against every measure that sought to reduce the excesses of the saloon and for other vicious interests in cities and states. It is not surprising that to many of them National Prohibition came as from an unknown source restricting the liberties they had expected to find in primitive simplicity in this country.

While the older American stock, by and among whom temperance educational and experimental work had been done, moved westward, the mining camps, big cities and industrial towns of the East were filled by the newer arrivals. Nearly all of the men among them were drinkers and most of the women as well. Drink and the saloon were daily necessities. Shut off from the great changes in public opinion that during forty years preceding 1918 were producing the dry areas of the country, these large new elements in our population failed to receive their share of the pre-prohibition education that was at the very foundation of the movement. A British scientist, who studied the prohibition situation in the United States for two years soon after its adoption, saw this better than did the writers nearer home. He said: "There is no doubt that the large foreign element in the United States constitutes the chief present difficulty in enforcing prohibition."[3]

An analysis of population in the United States in 1920, when prohibition came into effect, shows that there was a numerical equivalent of 49,000,000 descendants of the old American stock, including all who arrived before 1820; there were the equivalent of 9,300,000 of those born here of native parents who had arrived between 1820 and 1900, or a total of 58,300,000 of this stock; and of foreign whites, foreign-born and native-born of foreign

parents, or mixed parentage, about 36,400,000.[4]

With the exception of those who came from the Scandinavian countries, from Great Britain, Holland and parts of Germany, these 36,400,000 were not largely reached by the prohibition movement, on its educational, public school, religious, industrial and local-dry-experimental sides. The influences that brought about prohibition were most active among the older 58,300,000—the temperance teaching in the public schools, the leaders of industrial prohibition, the high-grade labor men of the railroad brotherhoods, the Protestant churches and their ideals, personal and financial support. It was in largest part this older American stock that initiated and carried thru the movement; it is as clearly the great majority of the recent immigration from Central, Southern and Eastern Europe that constitute today the masses, *tho not the leadership,* of those that are opposed to prohibition.

The significance of these waves of immigration to the growing American prohibition tendency was that those who came earlier than forty years ago and their descendants joined in the movement, for or against, and became intelligent protagonists or opponents. They were citizens and acted as such when the final movement for state and National Prohibition passed over the country between 1900 and 1918. But those who came since that time

at the rate of three-quarters of a million a year, were overlooked in the anti-drink movement that had been going on in this country long before some of them began saving money to take them out of the peasant fields of Europe and into the factory and mining centers and slums of our saloon-controlled cities.

The Real Minority

Among those who make up the real minority, or the opposition to the drink-prohibition adventure in the United States in the present situation, some, with widely differing viewpoints and interests from those of other groups, are the following:

(1) The social drink users, who think of alcoholic drink as very desirable or necessary whenever people come together for a social time. Here the tradition of drink is especially tenacious, for its use in this way has prevailed from time immemorial.[5] Prestige and formality have long given it high endorsement. It is naturally desired that "the cup that cheers" shall be easily accessible and legally available to all. There is a not unnatural feeling of resentment when access to drink for such purposes is branded as disreputable by act of law. The unfortunate consequences, in the view of this group, are due to improper use or lack of self control; the personal phase of the problem is the only one consciously considered. So the inference is

easy that the purpose of shutting off the supply was a moral one, to "make men good by law." And to those who long have been accustomed to use drink for social purposes there is no sense of a need of any such moral solicitation on the part of others, much less on the part of government. As stated by President Butler of Columbia University: "It is no more moral or immoral to drink or to refrain from drinking alcoholic liquor than it is to eat or refrain from eating roast-beef or buckwheat cakes. Drunkenness, like gluttony, is a vice because it shows lack of self-control and the excessive use of something which may in itself be not only innocent but beneficial."

Under this view the social consequences of the alcoholic drink custom, as it actually works in every-day life, and especially of the drink trade under the spur of economic gain are minimized or overlooked. The question that arises when society refuses longer to bear the consequences of widespread personal excess is confused with questions of personal morals. Or there is a willful overlooking of the very serious results that drink, distributed generally in a community, really produces, or ignorance of the failure of less drastic measures to yield adequate results. Claiming that "people can not be made sober by law," the actual situation as it was when men were made drunk in full accord with law, and, indeed, thru the operation of law, is

ignored. In a narrow individualistic attitude those who limit themselves to this view fail to see either the social consequences of their acts and example or their own social obligations and duties.

This view does not take into account the right of a people, thru their legislative bodies, to pass judgment as to what is or is not injurious to public welfare. It makes the individual the judge of the burdens that society must bear. If those who hold this view were more democratic in spirit, they would abide by the decision of the overwhelming majority; they would "be game," however unnecessary the privation might seem to be so far as they personally are concerned, and they would seek such change as they desire by the orderly process of free speech and appeal for the necessary change of public opinion.

(2) The group with an alcoholic appetite, moderately or intensely developed under open drink-selling conditions, when liquor was everywhere abundant and cheap. To such there is no substitute for alcoholic intoxication. That is the sort of enjoyment they want; it is what gives them their sense of "freedom" by banishing weariness, the sense of inferiority and reality. The men with the developed alcohol crave are a perfectly normal "hang-over" from the saloons that started them in their dependence on drink. Their number was millions when National Prohibition came. They

were found wherever the 150,000 or more saloons, open day and night, were found selling generous quantities to all who came. They are now patrons of the bootlegger, demanding drink at any price as did men of their type in the past. They give steady support to the illicit dealer, as they did to the market of the legal dealer in the pre-prohibition period. The possessor of such an appetite will do almost anything to gratify it; denatured alcohol, "hootch," synthetic liquor, all are accepted, if they bring the desired "kick." Satisfying this demand was a large source of income to the old liquor dealer.

But most of these men are well along in life; they will pass on. And their number is not being correspondingly replaced with recruits today. A new supply of alcoholic appetite drinkers comes only from abundant and constant supplies of drink. The newer generations can not, if they would, supply the great force of heavy drinkers and drunkards that marked the generation that is passing.

(3) Adventure or bravado motives are most prevalent among younger people and older ones in certain comfortable classes of society. This special form of drinking has been most prominent since the coming into effect of prohibition. It expresses adventure motives, rather than desire for alcoholic drink as such as was usual in pre-prohibition years. The carrying of a flask, the producing

of a bottle at a party are prompted by the fun of letting near-by associates know that it can be done; that "I" can do it. "They are determined to have the thing that is prohibited. They respond to that queer quirk in the human brain that fights all restraint." It is the "show-off" instinct working over-time; the adventure of trying a new thing, defying convention, the conservative people, regulation or law. But it is vastly different from the social drinking of past years. Being prompted by adventure, it tends to be temporary; it will be discontinued when the desire for adventure turns in other directions. For normal young men and women do grow older, the serious side of life comes on and the adventure instinct finds other ways of expressing itself. Life-long drink habits need not follow, as they were necessarily formed under the steady, never-ceasing pressure of social drink customs or the ever-present and ever-enticing saloon of legal liquor-selling years.

(4) The "self privileged," who regard themselves as in position to pick the laws they choose to obey and as superior to others. Many such find and advocate a philosophy of their own to justify their claims to privilege. Among these are often people of influence, wealth and social standing, and especially others who desire to climb into an exclusive class as quickly as possible. Such are aristocratic in spirit, not willing to recognize the rule of

the majority. They claim for themselves the privilege of ruling but not of being ruled. Chief Justice Taft well described their attitude when he said: "One who holds his claim to personal liberty to be of higher sanction than this overwhelming constitutional expression of the people is a disciple of pure Bolshevism." Their own enjoyments stand first—the welfare of society second, or not at all.

(5) "The Trade," formerly legal, now illegal. This is a powerful element in the situation; it is the most prominent and gives the most trouble. It conducted and promoted the sale in the old days and it encourages and supplies the illegal demand now. It cultivates the personal liberty idea against social welfare and encourages law violation for purposes of gain.

In liquor days there were law-abiding saloonkeepers, friendly, decent men, who supplied the social needs of working men and the poorer classes and who made a place of sociability for their fellows. Their saloons were a sort of independent "poor man's club." These self-respecting dealers went out of business, readily finding other employment, when the saloon was banished. But most dealers were not of this kind. The saloon in general was a law-breaker; no city ordinance, state legislation, or Federal regulation was respected by it. The illegal trade today is a not unnatural successor to it.

Harmonizing the Minority

Two divergent human tendencies are contending for mastery in the great struggle called "prohibition" now going on in the United States. These are, whether the people of a great modern self-governing nation, acting thru their constituted ways of making decisions and expressing their more altruistic, more social, more future-looking and more self-sacrificing instinctive tendencies, may free themselves and the innocent victims of a well-known public burden, or whether their own more individualistic, more self-assertive and more immediate desires are to prevail.

This is just another way of saying that the conflict now going on comes down to this: "Does the United States of today want to continue alcohol, or not?" Is drink out of date or not under the sort of life that is expected in the immediate future? Does it have a real place in the new age already begun in which scientific knowledge, it is hoped, will have a more real part than ever before in determining the conditions of conduct? Nor is it wholly a matter of the distribution of knowledge, vital as that may be, for people do not act solely in accordance with the knowledge they already have. Nor is it wholly a question of sociology—of the measurable consequences, favorable or unfavorable, of this particular social institution called "drink." It is also, and largely, a question of popular psychology

and of popular reaction to experience, every-day observation, scientific knowledge and law.

On the legal side, is it possible for a modern mixed people to accomplish such a social reform? Can the majority, after deciding on a way of removing a vast social menace, put that decision into operation after a sufficient period of practical testing, and do it in a way that will win over the greater part of the minority to hearty and intelligent support of the new view?

This is the stage that "the great experiment" is now in, and it is one in which experience must be permitted to play its part. During the past four generations vast numbers of unconvinced people and the young of the new generation were enabled to see for themselves the results, good and bad as they might be, of the successive steps of "moderation," "total abstinence," "regulation and control," "license," "local prohibition," "local option," "Government ownership" and "state prohibition." So now must the people of today see for themselves and judge "National Prohibition." This is the natural way for the growth of permanent public opinion—there can be no other. It takes time. It goes on with innumerable local and wider struggles back and forth. The friends of "the cause" are not the ones who need fear the outcome.

A recent writer has said that "every minority in our day tends to become truculent" and unwilling

to yield to the majority, preferring to follow the philosophy of force rather than that of democratic decision; he gives as examples, violence and sabotage in industry. A British writer points out the same tendency: "It is now the practice of all minorities to say that they will concede nothing to the majority, and to threaten to carry on every controversy by violence and extra-constitutional means when Parliament has decided against them."

This tendency is noted in connection with liquor prohibition among those who had little or no part in the previous years of experimentation. It reflects ignorance of the wide feeling against drink or deliberate refusal to yield any personal desire in favor of the public welfare. It is, perhaps, most marked in two otherwise very different groups—those who long have occupied places of unusual social prestige, advantage and wealth, in which a sense of self-superiority has grown very strong; and among the more recent immigrants, who, because of unfair or excessive government control in other lands, are more than ordinarily suspicious of any thing that seems to restrict their liberties here. The former set the pace, make illegal sale profitable, patronize the "bootlegger," help him develop methods of evasion, pride themselves on being able to "get it," parade their successes in clubs and group circles, promote a joking or cynical attitude, *encourage and establish a prestige of law defiance*

and create a philosophy to support their undemocratic conduct. The latter, less privileged or very unprivileged, deserve information and education on the whole subject of alcohol and its prohibition.

During this period of observation and education it is but fair play that those who oppose the policy shall treat it as they would expect their own propositions to be treated if properly adopted by public action. For, as William McDougall says, it is "a principle which lies at the very foundation of democratic government" that "when, after due public discussion and deliberation, a decisive majority of the people records a common opinion and demands a certain action, the minority, consisting of those who still are not convinced of the wisdom of the policy proposed, shall defer to the majority, shall co-operate in action for its attainment and shall do nothing to weaken or frustrate the collective action of the state."[6] This does not mean coercion of the minority. That is neither desirable nor necessary, and it is contrary to the democratic spirit. The minority retains always its unlimited freedom of speech, freedom of discussion, freedom of opinion and of the right to unite and promote that opinion. The right to "come back" by winning again a predominance and by following recognized and constitutional methods is the sacred right of every minority. This principle must be as loyally defended and adhered to by one side as by the other.

But the theory of "natural rights" against the orderly decision of the majority can no longer be accepted. Carried to its limit it would lead to anarchy. Any such "right" to alcohol leads, inevitably, to conflict with rights of the community, the neighbor, the family, the future race. A better theory is for the drink-claimant to think of himself as a part of the life of society. He then naturally "looks beyond the limits of the individual to a social world as alone giving a significance to the right. My rights belong, not to myself in my private capacity, but to the part I have to play in the human drama."[7]

The Final "Opposition"

Then there are those in every society who, going a step further, find pleasure and profit in violating law. On any such well-recognized subject as the sacredness of life and the right of private property their number is relatively very few, however many such crimes as murder, theft or counterfeiting may be committed at a particular time. But on the new subject of legal prohibition this group is relatively very much larger. Wholly aside from those who sincerely believe that prohibition is not justified, and the yet larger group who know little as to why it should be in existence, there are these anti-social and criminally minded, who seek profits out of it by furnishing the means for its violation. They make

a business of law violation; they were numerous when liquor was sold legally, but naturally continue so now. They are but savages that deserve no consideration; against them society must protect itself. Toward their "business" there can be only a policy of relentless extermination.

Toward Freedom, Or Away From It, Which?

The old conception of an eternal conflict between the liberty of the individual and the welfare of society is less true now than heretofore in the history of developing humanity. The self-assertive and perhaps the acquisitive instincts have been over stimulated by the sort of struggle that faced the past under the continuous necessity of fighting for political and economic freedom and for equality of justice. There is need now that they be harmonized more and more with those other human tendencies that seek the welfare of the group, the larger social self.

Freedom to poison one's self or to make gain out of injury of others can hardly be expected to receive approval in the future as in the past. The advantage that comes from the better working together of many desires and the harmonizing of many interests by well-regulated social control means enlarged opportunity to be and to do, never dreamed of under the free play of mere individualism. Or, for example, in an industrial country, as

stated by Sir Arthur Newsholm, British scientist, "a country whose inhabitants consume considerable quantities of alcoholic drinks is hopelessly handicapped, physiologically and economically, in competing with another country in which consumption of alcohol is an exceptional phenomenon."

To be sociable is a natural desire, but alcohol is not necessary to sociability; drink using people are not the only ones that enjoy friendly association. The sense of restriction, of deprivation, comes when something is taken away. But if, after experience of the new situation, a new sense of freedom is discovered, the worst that can be said is that one has exchanged one form of freedom for another; one purely personal, for one that includes others with himself; one that satisfies a few instincts for one that gratifies many.

For the drink tradition after all is based on a narcotic crave—mild, or more intense, as the case may be; yet unnatural, acquired, not found except where it has been created directly by alcohol itself. To remove this sort of fascinating attraction from a community is, in fact, to liberate, not to restrict. It leaves the interested human tendencies to function in a more normal and healthful way. This means escape from an unnatural condition—from bondage to illusion, ignorance, and the habit of depending on an intoxicated feeling for happiness.

The aggressive individual is constantly seeking

freedom; freedom for more self-expression and development, for better opportunity and richer enjoyment for self, family, community and nation. These tendencies need not be limited, but rather may be made increasingly effective as knowledge is added to instinct. On the ability to coordinate the desire for freedom with the increasing sources of knowledge progress depends.

But the same aggressive tendencies seek also to dominate, to gain power for self and group and nation. Facing in one direction, the individual seeks freedom of action and the control of circumstances; in the other, to use the cooperation of many people or, if unrestrained, to dominate unfairly their wills and conduct. So democratic society becomes possible by the implied or definite adoption of the principle that each man's liberty is limited by the equal rights of his neighbor—that "my liberty ends where your nose begins."

And beyond that, growing out of it, the capacity of many people to live near together and to gain the immense resources of civilization that result from specialized activities is conditioned by their ability to harmonize the instincts of liberty, self-expression and domination with the permanent welfare of all; with the directing of the functioning of these instincts for the permanent welfare of all, rather than for mere self-enjoyment, the simple motive that has come down from the days of the

beast. Organized society should not dominate the individual nor suppress his constructive and aggressive instincts, but it should seek so to control the conditions of life, common to all, as to turn the individual's abilities from selfish indulgence, to include, also, the safety, health, morals and welfare of society as determined by latest science and experience. In a word, aid him to get out of the habit of functioning only in his selfish-self and into a habit of working in his social self. With the desire and custom of drink gone, there remains no sense of loss. Customs and enjoyments get set toward the satisfaction of desires in more healthful ways with resulting advantage both to the individual and the community. It is a return to the normal state; altruistic and egoistic ends coincide.

Whether the undertaking to remove alcohol from every-day American life is to succeed depends, in the long run, on more than legislation and law enforcement, even when large majorities have at first supported the law. It depends on the feeling that comes to the great mass of people, of the advantages gained, of enlarged freedom and general welfare and also upon the reasonable willingness of the defeated minority to permit a fair test and estimate of these results.

More or less consciously the people of the United States, when deciding to abolish drink for the sake of the community and the children of today, saw,

also, the children of the future. They had a distant vision of the possibilities that might be attained by the men and women of the future in a society free from alcohol. They started a new social heritage, the passing down from one generation to another of an atmosphere in which drink would not be the impelling force on childhood that it had been thru the ages. Now that prohibition is in the present testing stage, the actual choosing of such a social heritage for the future is a possibility—a choice now actually and consciously being made. This, too, is a new occurrence in the progress of the world.

The historical view of the moment reveals that the people of the United States, in overwhelming majority, have chosen to be free from the drink tra-

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CHAPTER IV. REFERENCES AND NOTES

(1) John Allen Kraut, "The Origins of Prohibition," 123.

(2) *London Star*, Feb. 6, 1922.

(3) Arthur Newsholm, "Prohibition in America and Its Relation to the Problem of Public Control of Personal Conduct," 30.

(4) John B. Trevor, "An Analysis of the American Immigration Act of 1924."

(5) In contradiction to the propaganda impression about the influence of Puritanism in the Prohibition Movement, ex-President Charles W. Eliot of Harvard, in his "Assay of American Democracy," in *Current History*, said:

"Current arguments in favor of resistance to the Volstead Act include allusions to the austere manners and customs of the Pilgrims and the Puritans. These ancestors of the nine generations that have done the pioneering from the Atlantic to the Pacific, founding churches and schools as they advanced, had for a time strong objections to showy garments for women and children, to music in churches, and to dancing; but they were *by no means 'joy-killers' in the sense that they refrained from the use or abuse of beer, wine,*

dition and the drink trade, as earlier they chose to be free from the necessity of resenting personal insult by duel and from the old economic slavery of mind to a slave trade and a slave institution.

No one now would care to have such forms of personal liberty as freedom to duel, to keep slaves, to sell narcotics to all who call, exist again freely. No one would want these one-time sacred liberties of person revived. They are out of date—and for the same reason that auto speeding is restricted in a crowded city—for the *broader, truer, more scientific freedom* that such cooperative limitation makes possible.

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and distilled liquors. On the contrary, both the Pilgrims and the Puritans made free use of intoxicating liquors when they could get them; and their descendants have maintained the same practice all the way from the Atlantic to the Pacific. The Puritan men saw no harm in getting drunk at either weddings or funerals. When, under Massachusetts law, the Commencement of Harvard College was a legal holiday, the public gathering on Cambridge Common and the gathering of Harvard graduates in the college yard were so drunken and riotous that the sheriffs of Suffolk and Middlesex, each with a large posse, attended Commencement, and were always very actively employed. Whoever is familiar with the genealogies of the New England families that have come down from the seventeenth century knows that the *commonest cause for the decline or extinction of those families has been the abuse of intoxicating liquors by their young men.*" To cite the Puritans as 'joy-killers,' as do the advocates of the enforcement of the Volstead Act, is to fly in the face of the facts."

(6) William McDougall, The Indestructible Union, 31.

(7) Norman Wilde, The Ethical Basis of the State.

V

DEMOCRACY IN AN ALCOHOLIZED SOCIETY

A British scientist has asked whether alcohol would be acceptable in modern society if its use as a beverage were a recent invention instead of a long-standing tradition. His view is that if it were a new chemical discovery its first general use in this way, in all probability, would be its last; that if "drink" had begun among civilized men after the middle of the Eighteenth Century, for example, and not in the childhood days of the race, and if it carried with it no sanctions of social heritage it would stand out as questionable from the first; and that, after experience had revealed its usual consequences in society and on individuals, it would be relegated at once to the class of dangerous drugs, to be used, if at all, only on expert prescriptions.

So a question may well be raised as to the effects of alcohol on the aspirations of people for freedom and on the ability of that people to acquire freedom. Does the general use of intoxicants aid or retard the struggles of humanity toward greater liberty? Is the effort of the United States of America to remove the means to such general use a liberalizing tendency, or the reverse? Is there more freedom, or less, under liquor prohibition

than there was before this step was taken? What does a look backward into the realities of the past reveal?

Strength of the Tradition

The joys of alcoholic intoxication and the customs surrounding its use are far from new in human experience. Widespread dependence upon it for the "kick" it gives goes far back into the dim ages before history began. The origin of "drink" is unknown but is supposed to have occurred long before any forms of living that could be called civilization began to appear. Its presence is definitely known in history as far back as 5,000 years. Almost all primitive peoples, as well as those who have remained savage or barbaric down to today, discovered for themselves the peculiar delights of intoxication; and each has developed ways to produce beverages containing alcohol and similar narcotics.

Most of the tribes, when they quit the nomadic life and settled down to the cultivation of grains and fruits and the making of pottery, began also the making of "fire water," "water of life," or a "drink of the gods"—for quite human uses. Among the peoples of Nothern Europe ale was the beverage of the gods. In the Norse myths heaven was conceived of as a drunken revel after a big hunt. The Germanics were dubbed "the sons of malt" by

the Romans. The ancient Britons are described as having ravenous stomachs filled with meat and cheese and heated with strong drink. In the Southern countries wine was the early drink. The early Egyptian, Babylonian and Hebrew writings show drunkenness to have been common. A period of heavy alcoholic drinking prevailed in China before 2,000 B. C. and one in Egypt 4,000 years ago. The ancient Japs had a sort of sake brewed from rice; the Tatars kumiss, fermented from milk; the ancient Peruvians and Mexicans, with several such drinks, took steps at times to restrict their use. In the South Sea Islands and Africa the natives long have had fermented drinks of various sorts. American Indians made intoxicants from maize, manioc, cactus or the sap of the palm. In India early traditions and first writings show that wine already had made for itself a prominent place. Everywhere men early learned to think of the alcoholic feeling as something desirable.

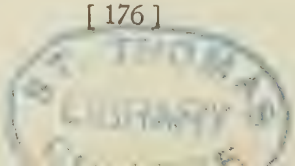
Consequently the drink tradition, with its joys and sorrows, its actual or assumed desirability or necessity, its recognition as a part of every-day life, has been woven intimately and deeply into the customs and feelings, the cultures and writings of nearly all modern nations. Its associations and pleasures are a common heritage, continuous from their primitive days, of nearly all peoples the world around.

Drinking customs were especially numerous among the Anglo-Saxon ancestors of the American colonists. A list of the more important heavy drinking occasions[1] includes the following: religious feasts, fairs and saints' days, "church ales" given to raise money for church purposes, "bride's ales" at weddings when the bride seized the opportunity to procure a fund of ready money for herself, "speeding the parting guest," "toasting," "night-caps" and drinking contests at the public house. The custom of doing business over a drink was common, beginning at this time.

Among American Colonists

Excessive drinking, a vice of the Nordic stock, and many of these customs were brought with the colonists from various European countries to this country, inherited from their ancestors. During the colonial days and down until an abstaining class began to appear as a consequence of temperance effort, almost everybody "took a little something" occasionally. Drinking was more general than at any later period, the amount of "spirits" a little greater, altho the total amount per capita of alcohol consumed was by no means so great as at the opening of the Twentieth Century.

Alcoholic liquor was used in the homes, at the taverns, grog shops and in the fields and forests. It was employed in winter to produce warmth, the



fathers thinking that they could not withstand the rigors of winter without it; in summer it was taken for the opposite effect. It was a cure-all in family medicine and in prescriptions by physicians as well. Farmers furnished it in the harvest fields, at barn-raisings, log-rollings and whenever a group of men worked together. Gentlemen caroused openly in the tavern. College commencements were the occasion of open drunkenness by students, teachers and visitors. Weddings, christenings and funerals were incomplete without it. To permit a friend to call without offering him a drink was the height of discourtesy. Sailors usually were drunk, soldiers took their share and clergy joined with parishioners in moderation or excess as the hilarity of the occasion might suggest. Towns sometimes supplied grog at public expense at the burial of paupers. It was respectable, not merely to drink, but also to get "gloriously drunk."

Such customs, increasing and changing, were handed down from generation to generation as a part of the social tradition. They came unquestioned into the culture of the past century in the United States. For the peoples of European origin are alcoholic peoples; recent white man's society, in major part the world around, has been and is alcoholized society. Drink pleasures are outstanding, impelling influences; the degradation and suffering, long evident, has been one of the unfor-

tunate, but to-be-accepted, minor consequences. These customs and ways of thinking, impressed on the race in its earliest years, persisted with little change, or thought of change, down to the past century. Their usefulness in modern life has only recently been seriously questioned.

As the British scientist quoted above suggests, it is the questioning about the value of alcoholic drink and its place in society that is modern. The idea that men can live together happily in communities and in society without public opportunity for intoxication is a new idea—at least a new experience—in the life of nations. So the attempt to "dry up" the social life of the United States is a startling new experience in the history of the white race.

Social Compulsions to Drink

Into this drink environment children for ages have been born; under its assumptions, its approving attitude, its home conditions, its neighborhood influences and more recently, its trade expansion and promotion, children have been growing up. This has been the normal course generation after generation. Drink desirability and customs have been taken for granted; there has been little non-drinking, non-alcoholic society among the white races with which to make comparison, even while an increasing number of individuals and groups

and sections have ceased its use entirely. To drink, to learn to drink while young and to find intoxicants of some sort available has been the usual situation into which children have been born and under which they have grown up, generation after generation, during ages past.

How this drink cult operated in the United States under the open sale system, as each succeeding generation of youth came along, is better expressed by Jack London than by any reformer or social psychologist when, referring to "the one thing that in the end had won me over—namely, the accessibility of alcohol," he says, "Every interest of my developing life had drawn me to it. A newsboy on the streets, a sailor, a miner, a wanderer in far lands, always where men came together to exchange ideas, to laugh and boast and dare, to relax, to forget dull toil of tiresome days and nights, always they came together over alcohol. The saloon was the place of congregation."[2]

A Touch of Realism

In the decade previous to the adoption of National Prohibition, said Theodore Roosevelt, as impartial an observer as could be found, the American saloon became "one of the most mischievous elements in American social, political and industrial life." To sell liquor and to promote the sale of liquor was its purpose. It served also as a

place of social gathering for certain groups of men, especially many of the more poorly paid workingmen; it was almost the only place of meeting and recreation easily available. In industrial and crowded city communities it was called "the poor man's club" and for many it served this purpose, however imperfectly and at whatever undue cost.

But its one purpose was the sale of drink; every service that it rendered to those in need—and it rendered many—was to this end. Every influence that it exerted, useful or injurious to society or its patrons, was to increase its sales of drink—its sociability features, its reports of ball games and prize fights, its music, its games, its free lunch, its willingness to cash pay checks, its rooms available for labor union meetings, its side entrances for women and girls, its disreputable back-rooms, its gambling paraphernalia, its cheerful barkeeper—all were provided at much expense for the purpose of selling and increasing the sales of booze, chiefly beer.

Drink was accessible, near-by to men at work, abundant on the most-traveled streets and roads; the most popular corners in villages, towns and cities alike were saloon-corners; in cities sometimes three of the four at a street crossing. No one wanting a drink or preferring to avoid the beckoning call of alcoholic attraction need go far for it; few men in many cities could avoid its constant attrac-

tions, or its never-ending advertising on billboards and in newspapers. As to the effect on growing youth, Jack London, in his human interest way, says:

"John Barleycorn is with me because in all the unwitting days of my youth John Barleycorn was accessible, calling to me and inviting me on every corner and on every street between the corners. The pseudo-civilization into which I was born permitted everywhere licensed shops for soul-poison. The system of life was so organized that I—and millions like me—were lured and drawn and driven to the poison shops."[3]

How young men responded to the invitation is suggested by a survey made in the city of Chicago, which says: "On Sunday evening, February 26, 1899, a careful count was made of the men in a Madison Street saloon at 7 o'clock. The number was 524, and during the next two hours 480 more men entered. At one of the billiard tables young men six deep on all sides were engaged in open gambling. Private stairways connect this saloon with the vilest theater in the city. There are 3,000 billiard and pool rooms in the city, generally adjacent to or part of a saloon."[4]

An influential liquor organ, Bonfort's *Wine and Spirits Circular,* gives an inside description of the saloon as it was about 1905, in these words: "The average saloon is out of line with public sentiment.

The average saloon ought not to be defended by our trade, but it ought to be condemned. In small towns the average saloon is a nuisance. It is a resort for all tough characters, and in the South for all idle negroes. It is generally on a prominent street, and it is usually run by a sport who cares only for the almighty dollar. From this resort the drunken man starts reeling to his home; at this resort the local fights are indulged in. It is a stench in the nostrils of society and a disgrace to the wine and spirit trade."[5]

"There are 7,300 licensed liquor sellers in Chicago," says an investigator writing in 1907, "and in addition about a thousand places where liquor is sold illegally. The only business which approaches this in number of establishments is the grocery trade, which has about 5,200. The city spends at least half as much for what it drinks as for what it eats."[6]

A writer of 1926 recalls a picture that was so typical as to be commonplace to those who have seen for themselves, when he says: "One's memory clusters particularly around 'the overflow.' It was a vast place and it claimed to serve the biggest 'schooners' in town. It must have. The glasses were as big as goldfish bowls. The price was five cents and the free lunch tables groaned under their burden of food. Here again the lad of fifteen had not the slightest difficulty in stepping up to the bar

and nominating his poison. He yielded nothing to the 'younger generation' of today."[7]

In theory the saloon existed to supply a normal desire among moderate users of alcoholic stimulants; in practice it appealed to and utilized every social and political instinct of its present and prospective patrons to increase the consumption of the article it sold.

The Promoting Trade

Back of the saloon was the liquor traffic, highly organized to supply and extend business. It was found that sales increased as drink was made easily available, openly and continuously, to large numbers of people. The manufacture and sale of liquor, especially beer and whisky, had become one of the most gigantic commercial forces of the country. The most obtrusive factor in the situation was the promoting and exploiting of the desire for intoxicants. The business of supplying drink in large quantities to great masses had become a centralized, self-conscious industry, ever seeking to create new drinkers and intensify the habits of excess in users of small quantities. The result was that consumption of alcohol as a beverage continued to increase in the United States, year by year, during the last half-century before National Prohibition, even while millions of former drinkers were becoming abstinent, while certain classes that

previously had taken drink in social ways gave up such practices and while great areas of the country, in small units or whole states, were becoming dry. For the peak of alcohol consumption as a beverage was reached in 1911 and 1913, just before state prohibition began to be widely effective. Up to that time, trade promotion had continued to open new markets, to increase the habit among women, to enlist boys as early as possible and to increase the consumption among immigrants. It is a notable fact that the children of the incoming millions of that period learned to drink more heavily here and with less self control than did their parents born in other lands.

"The Chicago market is thoroly saturated with beer and incidentally with other liquors," writes a first-hand investigator of 1907. "Reckoning it out by population, every man, woman and child in Chicago drank, in 1906, two and one-half barrels of beer, that is, 70 gallons, three and one-half times the average consumption in the United States. Each drank also about four gallons of spirituous liquor, two and two-thirds the average."[8]

Super Opportunities to Drink

The great central power in the liquor business in the United States was the brewery. In the thirty-five years previous to the heavy drinking period of 1907-1913, the per capita consumption of spirituous

liquors had shown no increase at all. The per capita consumption of malt liquor was trebled. This increase came, as was written at the time, "partly because of the demand for a milder drink, but largely also because of another fact; because the breweries own and control the great majority of the saloons of American cities. They have a distinct policy: If there are not as many saloons as there can be, supply them. Fully ninety per cent of the Chicago saloons are under some obligation to the brewery; with at least eighty per cent this obligation is a serious one. . . . The breweries employ special agents to watch continually every nook and cranny in Chicago where it may be possible to pour in a little more beer. If a rival brewer's saloon-keeper is doing well, his best barkeeper is ravished from him and set up in business alongside. If a new colony of foreigners appears some compatriot is set at once to selling them liquor . . . all the rough and hairy tribes which have been drawn into Chicago have their trade exploited to the utmost. No man with $200, who was not subject to arrest on sight, need go without a saloon in Chicago. . . . The machinery is constantly waiting for him. With that $200 as a margin, the brewery sorts out a set from its stock of saloon fixtures, pays his rent, pays his license and supplies him with beer. . . . Under this system of forcing Chicago has four times as many saloons as it should

have, from any standpoint, except, of course, the brewers' and the wholesalers'."[9]

On one street "back of the yards"—the stock yards of Chicago—opposite the entrances where thousands of men emerged at the noon hour and at the close of work, in the region where poverty was most stark, there were "just forty-eight saloons—and two that have recently died—housed in opposing rows of staggering, wooden buildings, down a distance across which a strong man could throw a stone."[10]

It is not surprising, then, as Prof. Hart concludes, "that the people who are responsible at bottom for the Eighteenth Amendment are the brewers, distillers, wholesalers, retailers and peddlers who have always opposed, scouted, defied and persistently broken any restrictive legislations which stood in their way.[11]

Prof. Ross describes the business as it existed the last few years before legislation removed its standing and much of its commercial power, as follows:

"The catering of liquor became commercialized. It came to be a 'big business' intent on profits—always more profits. From being shrinking and apologetic, it became brazen and aggressive. It no longer pleaded humbly for leave to assuage existing thirsts. In order to 'promote business' it deliberately and methodically set itself to create new thirsts. It advertised, gave away samples, subsi-

dized convivial organizations, encouraged festal customs of a 'damp' character, planted saloons in new places and brought them into close partnership with the great social plagues, gambling and prostitution. In olden time alcoholic beverages were no more 'pushed' than hen's eggs are 'pushed.' But as production and distribution were centralized, the business grew more capitalistic and the saloonkeeper came to be the brewer's man, systematic efforts were made to 'shove' liquor, especially beer. Between 1880 and 1907 the annual per capita consumption of all liquids in this country rose from ten gallons to nearly twenty-three gallons.

"Far, then, from being a gratuitous stroke at a dying social custom, prohibition was an urgent social-defense measure forced by greedy liquor interests which were so short-sighted that they would not leave non-drinkers alone.

"Continually they plotted to tempt the public into even larger consumption. Their ambition seemed to be to convert the rising generation of males into peripatetic tanks."[12]

"Doctored" Liquor in Saloon Days

"More than eighty per cent of the whisky of the United States is adulterated with harmful, deleterious poisons, chemicals and compounds" said a Pure Food Commissioner of the State of Illinois fifteen years before National Prohibition had given

those who wished to make profits in this way an additional excuse for doing so. At about the same time the Pure Food Commissioner of Pennsylvania, where license restrictions were among the highest, "found, upon examining one thousand samples gathered from all over the state, that ninety-five per cent of them were adulterated. His reports show that more than eighty-five per cent of all whisky is doctored by wood alcohol and red or India pepper and prussic acid and other drugs."[13]

"Bad liquor" apparently did not owe its origin to National Prohibition.

A City Community Contrast

The following description of the situation in the heart of New York, the old west side Chelsea section, is none the less clear because of the contrast it gives between the situation of today and that of pre-prohibition days.

"Twenty years ago in front of the notorious cheap barrooms in this neighborhood, such as the Greasy Vest and Miles McSweeney's Dead House, where whisky worse than the worst bootleg nowadays, was retailed at five cents a glass, large trucks would line the pavement for a block while the drivers got their morning drink of whisky. Today in front of the German baking shops at the same hour in the morning you will find motor trucks and occasionally horse-drawn trucks lined up with their

drivers inside drinking coffee and eating buns.

"But even worse than the beer saloons were the old bottle houses, which have gone, and no amount of bootlegging could take their place—the bottle house, where tremendous casks lined the sides of the room and what seemed to be thousands of bottles lined the walls, where a half-pint of so-called whisky could be procured for ten cents, and the line of customers patronizing the establishment was just as long as that of those frequenting the adjoining pawnshop on Thursdays and Fridays.

"The old saloons have found it impossible to keep going on near beer and illicitly sold liquor and have given way to coffee houses. At one street intersection in this neighborhood, the four corners of which were occupied by beer saloons, are now three coffee houses, each known as The Coffee Pot.

"The change is seen very clearly in longshore work. Fifteen years ago men congregated in cheap barrooms and waited for the news of the arrival of ships or passed their time between ships. The barrooms have disappeared and a different type of man works on the docks. Only here and there can be seen the human wreckage lying about the water fronts—relics of the old days.

"The Saturday night drunk is obsolete. The men who dissipated most of their week's wages in barrooms spend Saturday night in motion picture

shows; their wives no longer have the fear of Saturday night hanging over their heads.

"With the passing of the saloon has gone the class of can rushers—little groups of women who were accustomed to sit in the kitchen where each one would take a turn in going for a can of beer until all of them were groggy-eyed and beery and unable to fulfill their household duties. The whole trail of neglect and abuse which children suffered from as a result of fathers and mothers who were persistent drinkers has been pretty much cleared up." [14]

The City Liquor Problem

More than forty years ago a careful investigator wrote:

"It is in the cities that the saloon is most powerful. Now, the ten largest cities in the Union—namely, New York, Philadelphia, Brooklyn, Chicago, Boston, St. Louis, Baltimore, Cincinnati, San Francisco and New Orleans—contain nearly one-tenth of the entire population of the country, while fifty other cities of 30,000 and over, contain another tenth; so that sixty cities comprise one-fifth of the whole population. It is in these cities that the saloon is most strongly intrenched, and so formidable and so mischievous." [15]

The statement of an unusually thoughtful New York saloon-keeper about 1908 gives a view of that period worth having. He says:

"For me the drinking habits of most of my patrons appear frightful. Intemperance, intoxication pursued to the point of senselessness—and this not once in a while, but frequently or daily—was common. I think I am not over-stating the fact when I say that my unmarried patrons spent about seventy-five per cent of their earnings in drink. Among the married men there was wide difference, largely owing to the restraining influence of wives and children; but even the married men, I believe, spent an average of at least 25% of their wages in this way. . . . Some of my regular patrons consumed their four quart bottles of whisky a day, not reckoning the beer, etc., that they drank besides. One, two and three bottle men I counted by the score among my regular customers."[16]

"Four-fifths of the 55,000,000 barrels of beer made in the United States is consumed in cities, and at least three-quarters of it by the population of cities themselves" says an investigator of 1907. He adds: "The brewing trade statistics show that every man, woman and child in cities of over 25,000 can safely be credited with drinking a barrel and two-thirds of beer a year. Largely by this means the population of American cities drinks at least eleven quarts of pure alcohol a head every year, while the population of the rural districts does not drink more than four quarts a head. If there is a

liquor problem in America—which every one seems to concede—it is obviously of the city; and almost obviously the brewery trade is connected with it.

"Four out of five of the residents of American cities of today (1907) are European laborers or their descendants. These people constitute practically a European market for liquor. They drink, as their ancestors have always drunk, and as their European cousins drink today, freely, as a natural and usual source of pleasure. And they furnish an enormous and constantly growing field for the sale of alcoholic drinks—*practically untouched by any temperance agitation.*"[17]

Mis-Educating the Immigrant

The liquor traffic, as it was operated by the brewer, distiller and saloon-keeper in the cities and industrial towns of the United States in the past, and the sort of politics that had grown up about it, were largely responsible for a widespread mis-education of the immigrants of a half-century to this country previous to the beginning of the National Prohibition period.

For twenty-five years immigration had averaged three-fourths of a million a year. There were in 1920, when prohibition came into effect, 36,000,000 foreign-born and children of foreign-born parents in this country. They were earnest people seeking better economic conditions and freedom from auto-

cratic government and class domination. Those who had gone on to the new towns and farming regions of the central and western states had become fitted into the new life; they shared in its ideals and changing customs as well as in the material growth of the country. In the later local-option and prohibition conflicts of those sections they took full part, on either side according to their convictions.

Not so the tremendous majority of immigrants that were detained in the cities and the factory, mining and other industrial communities of the east. Crowded into "colonies" of their own nationality, or of nationalities they disliked at home, unable to speak the new language, with little opportunity to meet native Americans in friendly association, domineered and cheated by labor promoters and by petty politicians of their own nationality who had learned the disreputable tricks of the trade and who knew how to play on old-country prejudices, with the saloon ever at hand and almost the only institution open freely to them, they learned to depend too much on the bosses and ward politicians of our great cities. Here saloon politics was at its worst; the vicious and ignorant were combined and controlled, and even the more aspiring misled as to the meaning of Americanism. Many were "Americanized" thru associations at the saloon into the most un-American possible conception of this term.

"From 1870 to 1890 two-thirds of the voters of

New York City were Irish and German peasants and their sons—persons who had never before been under a free representative government. The chief social centers of these two peoples were liquor saloons; and the owners of these saloons, who handled the votes, first for American manipulators and political criminals like Tweed and later for themselves, delivered them in mass."[18]

Brought face to face with a new freedom of opportunity to earn, to educate their children and to vote, they were at the same time thrust into the most vicious surroundings to be found anywhere in this country. Unfortunate results followed: The mild drinking customs of the old world became more excessive, more erratic and more harmful; children of immigrants became heavier drinkers than their parents had been and were more and more closely associated with the saloon; crime tendencies were increased in the first generation born here as against the more respectful attitude toward government and the higher ideals that their parents had brought with them from other countries.

The corrupting influence of the old saloon and of liquor politics in great cities on the masses of liberty-seeking immigrants, the atmosphere of lawlessness and vice into which they drifted for a half-century, was a crime of supreme magnitude against the moral and political welfare of these people and of the country. As early as 1842 Tammany had

begun organizing immigrants in New York into nationality-voting groups; by 1856 the saloon power had begun to control the politics of cities and the saloon-keepers were organizing gangs of controlled or illegal voters to aid their interests or oppose restrictive measures. As Prof. Ross says:

"The saloon-keeper is often an independent swayer of the foreign vote. The saloon-keeper is interested in fighting all legal regulations of his business and of other businesses—gambling, dance-halls and prostitution—which stimulate drinking. If 'blue' laws are on the statute-book, these interests may combine to seat in the mayor's chair a man pledged not to enforce them. Even if the saloon-keeper has no political ax of his own to grind, his masters, the brewers, will insist that he *get out the vote* for the benefit of themselves or their friends. Since liberal playing with beer is a standard means of getting out the foreign vote, the immigrant saloon-keeper is obliged to become the debaucher and betrayer of his fellow countrymen. In Chicago the worthy Germans and Bohemians are marshalled in the 'United Societies,' ostensibly social organizations along nationality lines, but really the machinery thru which the brewers and liquor dealers may sway the foreign-born vote not only in defense of liquor, but also in defense of other corrupt and affiliated interests."[19]

The Trade in Politics

In 1910 there were over 200,000 saloons in the United States, each of which, it was estimated, could control an average of ten votes, a moderate estimate. These voters included the men of the saloon directly interested in the business and those so debauched by liquor as to be ready to follow the suggestion of saloon-keeper or his brewery-owner, whenever needed, for a drink or a dollar. This gave the liquor traffic of the nation at that time a definite, manageable vote of 2,000,000. Any group of this size, drugged with alcohol to such an extent that morals and patriotism were but words, and led by saloon politicians or ward bosses in support of questionable interest or policy, must be, as it was, a serious menace in any election. This inherently vicious vote, readily salable, was a worse factor in the politics of cities, states and the nation than even the activities of the great national organizations of liquor. This influence of the saloon was a cause of grave concern. Whatever purchaseable vote there might be in a community was sure to be within reach of the saloon-keeper.

The Saloon Vote

Expressing what were typical conditions in nearly all our large cities, Theodore Roosevelt, when Police Commissioner of New York City, where he had opportunity for the keenest of first-

hand acquaintance with saloon politics, said: "Naturally the saloon-keeper has stood high among the professional politicians; half of the political leaders in Tammany Hall have at one time or another themselves been in the liquor business. The saloon forms the natural club and meeting place for the ward leaders and 'heelers'—so much so that the barroom politician has become a recognized factor in local political government. The saloon-keepers are always hand-in-glove with the professional politicians and occupy towards them a position such as is not held by any other class of men. The influence they wield in local politics has always been very great."[20] The odious "Boodle" Board of Aldermen of New York City was composed of twenty-four members, twelve of whom were saloon-keepers and four saloon politicians. In 1902 thirteen out of forty-six of the City Council in Milwaukee were saloon-keepers. These instances were typical of conditions elsewhere.

The political influence of the liquor trade got in its work at both ends of government; it began by corrupting the voter and dictating nominations at the caucus, went thru all the intermediate stages of local and state legislative and administrative departments and finished by interfering with the execution of national policies.

Worse by far than its lobbying in the legislatures and Congress, or than its purchase of city councils

was its influence at the ballot box. Here corruption was easier and not so readily discovered or distinguished from legitimate agitation. Politicians learned to determine in advance the attitude of the saloon vote and to choose their candidates and trim their platforms accordingly. Held together by the bond of a mutual financial interest that kept the saloon in politics in order to escape the penalties of constantly broken law, this great group of votes was readily manipulated, and easily became a tool of grasping corporations seeking to take advantage of the public.

The liquor vote represented three specific classes; the vote of the trade itself, that of associated interests and that created by liquor politicians as a political medium of exchange, the venal, salable vote.

The vote of the men directly interested in the trade was as legitimate as that of any other business that considered its own interests first, without regard to the welfare of the community, and no more so. In 1908 there was thruout the country one liquor dealer to every 336 of the population; one to every 58 voters.[21] As a simple matter of business they and their friends voted against them and measures inimical to them. "Our trade is our politics" was their motto. Being a business in dissipation, at every turn in conflict with the police power, it was inevitable that it should be seeking continually a hand in local and state matters. Its political in-

fluence, therefore, as compared with that of other lines of business that did not need so much politics in order to conduct business, was all out of proportion to its extent as a business.

The second class was composed of those so interested in the saloon thru habit, business or association as to be ready to unite with it in political matters. It included men who sold supplies to the liquor trade and who were associated with it in other ways. The larger mass of men who drank were such good citizens that they had little sympathy with the political ambitions of the saloon. But when any such body of voters, even if not interested directly in the trade, expected of candidates for office that they declare in advance of election, that, if successful, they would not enforce the liquor laws because such enforcement might cause them, as a class, some inconvenience, or make it difficult or impossible for them to gratify their craving for liquor, they had to be classed as an active factor in the liquor vote, no matter how law-abiding in other respects. The mayor of Chicago in 1908 was required to state, in order to procure nomination, in response to a body of men who wanted beer on Sunday, that he did not believe in the Sunday saloon law and would not enforce it if elected. After nomination this position was reaffirmed. Defiance of the law prevailed consistently during his term of

office. To that defiance of law, and the voters asking it, he owed his position.

The saloon was the source of a large part of the controllable vote of the country. Here the small politician and ward boss found recruits when needed. The liquor furnished the means by which to corrupt citizens so that they would sell, for a few drinks or a dollar or two, the most sacred privilege of citizenship. Bad as was the power of the traffic in state and general politics, this influence was yet worse. For, as was stated then, "The influence of the saloons of the land is no more to be measured by that of the men who conduct them than the influence of the common schools of the land is to be measured by that of the teachers employed by them. The bar rather than the barkeeper is the source of degradation, and if every saloon-keeper emigrated or died tomorrow, and the saloons continued, there would be but a slight or temporary change for the better.[22]

The Organized Traffic in Governmental Affairs

As early as 1862 a liquor lobby began operating at Washington. The first political activity of the trade followed with the formation of the United States Brewers' Association that year. Its first delegation to influence national affairs was sent in opposition to the war tax of $1.00 per barrel on beer. As a result of their success in having this

reduced to sixty cents the lobby became permanent, and the liquor trade discovered two facts pertinent to its later political development: first, the power of the trade when properly organized; second, that the tax and license fees served to increase respect for the trade, already suffering severely at the hands of public opinion. After that time efforts were directed toward seeing that the tax exacted should not be greater than was required to keep public policy sympathetic to the traffic as against the growing demand for restrictive legislation by Congress and the states, and toward demanding of the government and the party in power privileges and concessions, as a reward for this payment of a higher rate of taxation than that on other trades. And it should be noted that after the first liquor revenue law of 1862 the amount from this source increased steadily until one-third of the entire Federal income came from the liquor traffic.

In 1910 there were fifteen or more national combinations of liquor men, all with political aims and methods. These included the "United States Brewers' Association," the "National Wholesale Liquor Dealers' Association of America," the "National Liquor Dealers' Association," the "National Retail Liquor Association of the United States," the "Protective Bureau of the National Wholesale Liquor Dealers' Association" and "The National Model License League," organized for the alleged

purpose of reforming the saloon but really for the purpose of gaining control of the newspapers. Besides these, there were many state, city and local organizations, all well organized with large financial resources back of them.

They retained lobbyists at Washington including some of the ablest legal men of the country. They watched every bill in Congress that could in any way reflect upon the trade. Every session they were influential in defeating many minor and some important bills, especially those tending to aid the states in the enforcement of their local and state prohibitory laws.

In order to supply funds to help carry elections, flood the country with statements about the healthfulness of beer and the pleasing effects of alcohol, publish fake farm, trade and religious journals for concentration in special campaigns, buy legislators, control party leaders and bosses and engage in a thousand-and-one legitimate, and very illegitimate political control methods, all members of the Wholesale Liquor Dealers' Association were required to place a one-cent label on every case of wine, a two-cent stamp on every imported case of wine and a five-cent stamp on every barrel of goods. The proceeds from the sale of these labels were placed in a fund that was used to fight legislation inimical to the interests of the trade. Millions of dollars were raised in this way.

"The Protective Bureau of the National Wholesale Liquor Dealers' Association, reporting for the year ending June, 1904, declares that in one year there were published and sent broadcast, 4,059,980 pieces of literature. The same report says: 'During the year the Bureau took part in two hundred and thirty-seven elections held in twenty-five different states. The Bureau has been successful in seventy-four per cent of the contests in which it has participated during the year.' "[23]

The report of the United States Brewers' Association in 1906 claims that "during the last forty-five years we have carried on, single-handed and incessantly, a systematic agitation against prohibition, helped to defeat it in sixteen states, contested its victories in the highest Federal courts and furnished, at an enormous expense, practically all the literary and scientific material which made it possible to refute the falsehoods and fallacies, the misrepresentations and exaggerations of our enemies."

During these years the national government learned to depend upon this industry for one-third of its entire income, the amount in 1908 being $199,066,423. Government officials regularly broke up thousands of illicit stills and bootleg joints while collecting revenue and defending the legal rights of liquor dealers. States, counties and cities also collected in license fees and taxes a large share of the cost of local government and improvements.

No other "big business" of a monopolistic nature would agree to pay so disproportionate a share of the public expense, altho many do seek to escape their just share of taxation. The liquor trade made occasional protests, to be sure, but it always paid up in full and boasted that the government was dependent upon it. "What would Uncle Sam do without our help?" defiantly asked the liquor politician.

The trade used this as an argument in the claim that their business was a bulwark of national finance. It helped to defeat regulative bills at every session of Congress. The national tax collected from the "blind pigger" in local and state prohibition territory gave him a pseudo-authority from the Federal government and interfered with enforcement of state law.

The far-reaching influence of the organized liquor traffic in public affairs is suggested by its half-century opposition to the enfranchisement of women. It is something more, or other, than the logic of successive figures, that the "Nineteenth" Amendment comes after the "Eighteenth." Says Carrie Chapman Catt in her history of Suffrage:

"That invisible and invincible power that for years kept suffragists waiting for a women's hour; for forty years circumvented the coming of suffrage; that power that made Republican leaders hestitate to fulfill their promises to early suffra-

gists; restrained both dominant parties from enforcing woman suffrage; kept legislatures from submitting suffrage amendments; and organized droves of ignorant men to vote against suffrage amendments at the polls when its agents had failed to prevent the submission of the question, was, manifestly, the power that inhered in the combined liquor interests."[24]

Always a Violator of Law

As are the "bootlegger" and the "rum-runner" today, so were the saloon-keeper and quite generally liquor dealers yesterday—violators of law. For a half-century previous to National Prohibition the reputation of this trade for evading, ignoring or defying the regulations governing business and the special regulations and laws intended to minimize its results in the community, was notorious. To limit excess there were laws to prevent selling after midnight or at certain other hours; to limit or prevent sale on Sundays and holidays; to prevent liquor sales to minors and to men already drunk. These were ignored, not occasionally but continuously. In many cities and towns the regulations to make the business decent, to prevent disorder and to minimize excess were habitually disregarded. Saloon-keepers, brewery owners, local politicians and policemen alike acted as if unaware of the existence of such regulations. There were

exceptions—self-respecting saloon-keepers of an older day, or from foreign lands, who tried to be law-abiding, but they were the decided exception. Usually the places that made the most money were those that evaded the most restrictions, provided questionable amusements and encouraged the boys and young men of the neighborhood to become drinkers.

The attitude of the national liquor organizations was reflected all thru the local trade. They did not confine their efforts to legitimate opposition to restrictions on their interests. They went further and by systematic methods encouraged widespread violation of laws restraining the traffic. They co-operated with law-breaking saloon-keepers and blind-pig-keepers to destroy public respect for such laws. The national publicity bureaus carried widely the assertion that liquor laws could not be enforced. Then the organization encouraged violation and defiance in order to "make good" on the public statements. Local officials found that they were trying to enforce law not against the dealers of their town alone, but against the financial and political resources of the national organizations which then stood off and shouted, "I told you so," boasting of their ability to defeat local law.

There were liquor organizations that frankly acknowledged their purpose of defying law and supporting those who violated it. *The Champion*

of Fair Play, representing the liquor dealers of Illinois and the West, in its issue of July, 1902, said:

"The laws of this state governing the liquor trade are so severe that there is not a licensed saloon-keeper in Illinois who does not lay himself liable to prosecution under the law a dozen times a day."

And referring to the advantages that membership in a liquor dealers' protective association offered to such dealers, continued:

"Had they been one of the unfortunates arrested for selling to a minor or a drunkard, they would have been obliged to engage an attorney at an expense of $10, and in all probability have been fined $20 and costs.

"As a member of the association they would have the services of the attorney free, and had a fine been imposed it would have been appealed, and last year the association won every appeal.

"Had they been sued for damages in the Superior Court, the attorney's fee, usually amounting to $100, would be paid by the association, and if a verdict was obtained against them the State Association would then appeal to the Appellate and Supreme Court of the State, at an average expense of $500.

"To sum up, by the payment of 50 cents a month in a local association the retail liquor dealer secures

protection in the courts, from the lowest to the highest, in case of prosecution under the dram-shop act. His interests are closely watched in preventing the passage of unjust measures by the City Council or State Legislature."

Another example of the methods by which this policy worked out is that of the Indianapolis Notification Company, an organization for defending in the courts saloon-keepers of that city arrested for the violation of liquor laws. Whenever its members got into trouble they telephoned at once to headquarters where bond was furnished and from which the trial was conducted.

No legalized liquor dealer, "liable to prosecution a dozen times every day" and no illegal dealer in a no-license or local option town or prohibition state, had to stand alone. If local influence and money were not sufficient he had access to the power of the state and national organizations to get him out of trouble with the law.

In Other Countries

"Few things would do more to make our great experiment successful than to send the doubters over to Glasgow," says a magazine writer who proceeds to draw a picture of the liquor traffic in full operation as he found it in that city. This picture may help to recall the realities of many American

cities and smaller communities, previous to prohibition. He says:[25]

"My first Sunday night I went into a poor quarter called . . . . After the saloons were closed at nine the majority of the adult population appeared drunk. A walk down the street was a slow and crowded progress from one brawl or near-brawl to another. One man leaned out of a tenement window and whistled for the police because his wife had stabbed him. When the bobby came he waited for another before going up—he had had experience. Saddest of all it was to see the young girls apparently have a pleasant evening laughing at one fallen drunken man or one vanquished fighter after another—unless it was sadder to see the bareheaded and barefooted children, with the bent in or bent out little legs of rickets, the 'poverty disease,' getting into the midst of every crowd . . . on the hand of a mother, herself drunk, while carrying a baby sleeping on her bosom. . . . Even in the main cross streets of Glasgow there was a mass of staggering, swearing, singing and laughing men, women and girls. . . . On the car a friendly look at an intoxicated man started him speechifying on the state of the country in language which moved all the young women to move. . . ."

Tourists to Europe, who too often fail to see the drab realities of the cities they visit, may well take the suggestion of an editorial in *The Survey* that:

"After you have seen the British Museum and the Tower, ask your taxi driver to take you to the lower regions of Westminster. If you can manage to stand at a corner in some such neighborhood when the pubs open in the morning or at the closing time, so much the better. Repeat this experience in Paris, in Munich, in Vienna, in Brussels, wherever you happen to be going this summer. For people whose memory does not go back to the days of the saloon, some such observation in lands where it still flourishes is the best visualization of what it means to be free from it. Watch the shawled women as they crowd around the door, the bedraggled children forgotten by their mothers, and do not come back to tell us that you have seen the great cities of Europe if you have not seen the drab side—streets drained, by the false animation of the saloon, of life and happiness."

The Situation, 1900-1910

Facing the situation as it was at the opening of the twentieth century, it is clear that the drink institution, both custom and traffic, prevailed widely thruout the country; that, with exceptions of a few states and a variety of local communities scattered widely, drink was taken for granted in the everyday life of the people of the United States. While many non-users were found in all classes, the customs of "good society" recognized it as a necessity.

The traffic in drink was legally recognized, respected and protected; the power of the organized trade in politics was very great and publicly acknowledged. Notwithstanding the temperance revolt, the wide experimenting of a century and the increasing proportion of individuals that were giving up its use, the national problem was more complicated than ever before in the history of the country; its social consequences better appreciated. While one part of the people were increasingly abstinent others were increasing greatly their average consumption; while saloons were going out of rural communities and the smaller cities, drink was saturating the great cities and the per capita consumption of alcoholic beverages was steadily increasing. While the amount of distilled spirits used had remained stationary or had decreased slightly over a long period, a tremendous growth in beer consumption had swelled enormously the amount of absolute alcohol drunk. With a decreasing number of drinkers from year to year, the retail trade flourished as freely as ever and the amount used never ceased its increase until the peak year of 1911, an indication that continuous heavy drinking by relatively smaller numbers of the population was taking the place of the more widely diffused, less continuous and more periodic drinking by nearly everybody a century earlier. This increased average drinking where saloons prevailed was the

natural result of their frequency, of the low prices of drink, of competition between brewing and whisky companies, of intensive advertising and of the promotion of amusement attractions in retail places. Drink had become readily accessible in huge quantities to larger masses of people in our cities and populous communities. Its quantity production and consumption, perhaps, had not before been surpassed in the history of the world except in similar cities of Europe, where modern, organized liquor interests are promoting it in similar ways. And it was not until the steady advance of local and state prohibition had reached a high stage of advance that the decrease in per capita consumption, after 1911, really began. It was then that the advancing temperance sentiment of the country was able, finally, to stem the previous ever-increasing tide of alcoholic drink.[26]

Into this drink atmosphere that had come down almost unbroken from the earliest days each new generation, until about twenty years ago, had been born and spent the impressionable days of its youth. The social tradition that favored alcohol consumption and at least mild intoxication as a part of daily or frequent enjoyment was sufficient, with trade promotion, to counter-balance the educational and moral movements that for nearly a century had made for moderation, limitation or removal. Educational efforts alone had been insuf-

ficient, as also had been industrial restrictions and the new scientific discoveries about the effects of alcohol. The social and political influences remained on the side of intemperance.

A generation or two ago, when the problem was less involved, Gladstone called drink more destructive, thruout the history of civilization, than war, pestilence and famine combined. Since Gladstone's day a modern scientific war has added a new record of frightfulness. Famine and pestilence have been out-stripped in infamy. Drink and war compete alone as hideous rivals among the world's greatest causes of misery. Whatever may be the outcome of the attempt of the United States to solve this age-old burden on human life, the seriousness of the disease itself is beyond question. On this scientific men and everyday experience agree. As a source of misery it is recognized in all lands

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CHAPTER V. REFERENCES

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(2) Jack London, "John Barleycorn," 7.

(3) Ibid.

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(5) John M. Barker, "The Saloon Problem and Social Reform," 186.

(6) Geo. K. Turner, "The City of Chicago," *McClure's*, April, 1907, 377.

(7) R. T. Small, *The Washington Star*, June 27, 1926.

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and by men of all shades of opinion. Its blight thru the centuries can be measured only by comparison with war. The World War deprived the race of millions of young men, the best qualified physically and mentally to become the fathers of future generations. Alcoholic indulgence lowers the quality of the race, leaving an ever-increasing blight of mental and physical scars on the children of all classes, select or otherwise, who drink. War works its damage by intense periods; drink knows no let-up, no recovery period. It never gives a community a chance to start again while the drink remains.

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(10) Ibid.

(11) In *New York Times.*

(12) Edw. A. Ross, "Prohibition as a Sociologist Sees It," *Intercollegiate Statesman,* Oct., 1921.

(13) John M. Barker, "The Saloon Problem and Social Reform," 40.

(14) Mark McCloskey, "Prohibition in Chelsea," *The Survey.*

(15) "The Saloon in Politics," *Atl. Mo.,* 58, 404.

(16) Experiences and Observations of a New York Saloon Keeper, *McClure's,* 32, 309.

(17) Geo. Turner, "Tammany's Control of New York," *McClure's* Vol. 33, June, 1909.

(18) Ibid.

(19) Edw. A. Ross, "Old Worlds in the New," 275-276.

(20) John M. Barker, "The Saloon Problem and Social Reform," 32-33.

(21) American Prohibition Year Book (1910), 51.

(22) E. J Wheeler, "Prohibition; Principle, Policy and Party."

(23) John M. Barker, "The Saloon Problem and Social Reform,"

(24) Carrie Chapman Catt and Nettie Rogers Shaler, "Woman Suffrage and Politics" (1923), 132.

(25) Whiting Williams, "John Barleycorn and the Worker," *Collier's*, Aug. 13, 1921.

(26) Summarizing some of the reasons that appealed ten to fifteen years ago for regarding the liquor traffic as an enemy to human freedom and happiness, and showing the intense feeling that every-day experience at first-hand was creating, Dr. John A. Lapp, Professor of Sociology at Marquette University, Milwaukee, Wis., in an address in Washington, Feb. 28, 1928, said:

"We are in danger of forgetting what it was that caused this overwhelming decision of the people to outlaw by a constitutional amendment the liquor business. May I take you back to the time before National Prohibition became a fact, to the time when the liquor business trailed its sordid and venemous way? Let us see what this thing was against which the moral conscience of the people applied its tremendous power. I beg to read to you the words of one of the greatest leaders in the movement for prohibition, the late Hon. Frank Hanly, former Governor of Indiana. The indictment by this wholesome leader took the form of specific reasons for hating the liquor business.

" 'I bear no malice toward those engaged in the liquor business, but I hate the traffic.

" 'I hate its every phase.

" 'I hate it for its arrogance.

" 'I hate it for its commercialism; for its greed and avarice; for its sordid love of gain at any price.

" 'I hate it for its domination of politics, for its corrupting influence in civic affairs; for its incessant effort to debauch the suffrage of the country; for the cowards it makes of public men.

" 'I hate it for its utter disregard of law; for its ruthless trampling of the solemn compacts of state constitutions.

" 'I hate it for the load it straps to labor's back; for the palsied hands it gives to toil; for its wounds to genius; for the tragedies of its might-have-beens.

" 'I hate it for the human wrecks it has caused.

" 'I hate it for the almshouses it peoples; for the prisons it fills; for the insanity it begets; for its countless graves in potter's fields.

" 'I hate it for the mental ruin it imposes upon its victims; for its spiritual blight; for its moral degradation.

" 'I hate it for the crimes it commits; for the homes it destroys; for the hearts it breaks.

" 'I hate it for the malice it plants in the hearts of men; for its

poison, for its bitterness, for the Dead Sea fruit with which it starves their souls.

"'I hate it for the grief it causes womanhood — the scalding tears, the hopes deferred, the strangled aspirations, its burden of want and care.

"'I hate it for its heartless cruelty to the aged, the infirm, and the helpless; for the shadow it throws upon the lives of children; for its monstrous injustice to blameless little ones.

"'I hate it as Abraham Lincoln hated slavery, and as he sometimes saw in prophetic vision the end of slavery, and the coming of the time when the sun should shine and the rain should fall upon no slave in the Republic, so I sometimes seem to see the end of this unholy traffic, the coming of the time when, if it does not wholly cease to be, it shall find no safe habitation anywhere beneath Old Glory's stainless stars'."

VI

CHANGING THE SOCIAL HERITAGE

Does undertaking to banish alcoholic drink from the life of a modern nation of 120,000,000 people mean the addition of new "fetters on freedom," as some believe, or of new wings giving freedom aeroplane speed? This is a question that may better be answered from a more distant viewpoint, in time and interest in the outcome, than that occupied by us who are seeing it at first hand. Yet suggestions from the trend of the first few years are not without worth and truth, especially when seen in the light of what has already happened in the struggle of a century to solve this problem. For from the experiences thus gained final decision in public opinion is being made. The verdict of the historian may well be left to the future when time for action has past.

Or, putting ourselves by imagination for the moment in the place of the historian of fifty years hence, what would it mean if the people of the United States had never learned to depend upon alcohol as a means of enjoyment? If, a half-century or more ago, they had unlearned that sense of dependence, inherited from their ancestors, as they threw off duelling, the "gentleman's" way of settling personal misunderstandings, or slavery, long

supposed to be a necessary factor in the economic arrangements of a part of the country, or, prophetically, as humanity some day may discard war as a method of settling disputes between nations.

Beginnings of a New Social Heritage

Down to a little more than a decade previous to the coming of National Prohibition the major part of American civilization was drink civilization. While great sections of the country and well-scattered areas everywhere were freeing themselves from drink tradition by religious, personal abstinence, educational and legal methods, other sections had their conservative, anti-reform interests re-enforced by the addition of nearly a million new supporters of the drink custom each year for twenty-five years, together with the children of these immigrants, few of whom had opportunity to take part in the temperance education and experimentation going on elsewhere thruout the country. These sections retained and strengthened their drink customs and friendship requirements; here saloon attractions and trade advertising increased the liquor problem while other parts of the country were reducing it; here each succeeding generation of youth took as naturally as before to drink habits—and continued them thru life.

Already in various parts there are indications that the social heritage is changing. In fact, in

the older prohibition states and in thousands of communities dry by local choice, it had been changing slowly but steadily, in spite of liquor imported from nearby wet states, for twenty to forty years previous to national action. In these sections there had grown up a generation free from saloon attractions and with former social customs favorable to drink weakened or broken. Children in these sections were growing to manhood without knowing much about the strength of drink approval, so prevalent during the preceding generations, and without the necessity of experiencing a drastic break from old habits in order to be personally abstinent. They knew by experience only a dry or comparatively dry home community and childhood environment.

In Kansas today, more than four decades after the passage of the Amendment, there is found a well developed temperance conscience—a strong disgust for intemperance. Observance of the law, which in early years of prohibition was brought about by compulsion, now is voluntary. Each generation is farther removed from the desire for drink.

Yet the people of Kansas believe themselves to be the freest of all Americans.

Now, since 1920, there are indications that similar changes are taking place much more widely in the social heritage, that drink influence is lessening

and that many of the experiences of the older prohibition or experimental states are being repeated generally thru the country. While not all these changes are for the better, and while many new elements of disrespect for orderly processes of law and government have appeared, the deeper and more fundamental tendency seems to be, on the whole, toward a decided weakening and gradual elimination of the alcoholic drink tradition.

(1) *The Age of the Auto*

Among the far-reaching changes pointing in this direction is the general speeding-up of every-day life, of which the coming of the automobile into almost every family of America is an expression. The auto is a symbol of a new age, a speedy age, and it is itself a very concrete fact of that age. It has broadened and speeded up, to a degree not yet fully realized, the contacts, daily activities and interests of the average man. Since it is so universal it exemplifies a new age that has come to the average man and the poor man just as the saloon and much of the drink of the saloon have been going out.

At the same time this new freedom, in the every-day life of the millions, to roam widely over the country has speeded up danger. Of this the auto is both fact and type. As a fact, it has socialized danger of serious accident—danger, not only as to

a man who chooses a hazardous occupation, but to everyone everywhere. It has put a strong new emphasis on the demand for steady nerves and clear brain. This comes not only to the man in a position of unusual responsibility, but to the average, every-day man and woman, for such are the drivers of cars and the riders in cars, in city and country alike, and to every walker on the streets or country road. Where formerly a school child, or workingman, or farmer might cross a railroad or street car line once a day or once a week, he must now cross a street or road auto-filled—a no less risky adventure—fifty times a day. Whereas, formerly only experienced engineers drove speedy trains along fixed tracks, now nearly every young man and woman, as well as older, drives his auto no less rapidly to meet or pass others. If drink were as accessible and as freely used as in the days of the horse that often carried his drink-dozing driver safely home, roads and streets would be lanes of slaughter.

Henry Ford, who ought to know, says, "Booze had to go out when modern industry and the motor car came in. Only on one condition can the nation safely let it come back, that is, if we are willing to abolish modern industry and the motor car." "The return of public drinking places would make the motor car a menace on the highways and would stop the sale to a large extent of the cheaper cars,

as the money would be spent over the bar as in the old days and the family would go without a car," says another auto company president.

Thirty years ago the railroads adopted a rule that locomotive engineers in this country should not drink; thereafter they had to be teetotalers. This brought new freedom and safety to all who have traveled since and to the engineers themselves. This restriction which was necessary thirty years ago has now, by reason of the diffusion of mechanical and engineering power among the mass of the people, typified by the auto, become necessary for the whole people, to protect the life and property of all.

(2) *The Age of Machinery*

That drink is out of date in the present age of machinery, that has done so much to increase production and make modern comforts available to great masses of people where only a few enjoyed them before, and to transfer much heavy toil from men to machines, is best stated by Prof. Reitell, University of Pittsburg, at the center of the heaviest industrial section of the country:

"Civilization has taken unto itself machinery. . . . Invention has crowded upon invention until the hand tool has become the colossal hydraulic hammer; the wooden water wheel, the 100,000 horse-power turbine; the oxcart with its slow,

steady pull, the Twentieth-Century Limited. . . . This shift to mechanical methods calls forth new kinds of work, new kinds of workers and new forms of industrial management. And what is more important . . . the growth in complexity, high speed and involved dangers of modern machinery absolutely bars out the use of alcoholic drink.

"Human life, costly machinery and continuous industrial operation—all are at stake when muddled alcoholic brains operate the machinery. Civilization, having developed high-powered, costly machines, is seeing to it that clear-minded men are employed in the operation of such machines. There is no difficulty in finding that alcohol is inimical to machine work the very moment one observes the changed demands that machinery has made upon the workers; then, just so soon, sobriety appears as an economic necessity. Viewing the question from this angle, we find alcoholism less an ethical issue and more an economic one. Complex machines and befuddled brains can not work together and much of this present-day prohibition is but an aftermath of the economic pressure that the industrial world has put forth in order to protect workers, machines and production from the ravages of men under the influence of alcohol."[1]

He discusses in detail the trend in the coal mining industry, with its three-quarters of a million workers, in which sixty-five per cent of the mining

is done by machines; the coke industry, which has gone the whole way from hand to machine methods, eliminating much hard, hot, physical labor and making "it absolutely compulsory to bar the use of alcoholic drink;" the crude iron and steel industries in parts of which in the past it was "working aside of hell ahead of time," now transformed by machinery requiring nervously alert and high-grade skill; the finishing mills, foundries and machine shops, where whole trains of operations are dependent upon each man being at his best, where "worry, drunkenness and sickness must all be eliminated if high-grade production is to be maintained," and concludes:

"Alcoholic drink attacks the most important asset the present-day workers must have if he is to function in machine industry, namely—nervous energy and an active brain. . . . A mistake may mean the death of several workers, a smashed furnace, a broken machine and seriously interrupted production. . . . With this increased socialization of danger, brought in by machinery, what attitude is to be expected from employers and the public regarding the consumption of alcohol? The answer is clear—the use of alcohol must stop. . . .

"John Barleycorn has been caught in the fast revolving machinery of American industry. There is no hope for him."[1]

This new age of machinery, whatever its faults

in other respects, is calling for a higher standard of personal ability in industry than the world ever before has known. A new prestige has been given keen wits, clear eyes, steady nerves and unclouded brains. And the industrial revolution now taking place is rewarding such labor more in accordance with its worth. All of which, gradually but certainly, will gather into the tradition of labor in the future new social and group approvals of the sort of personal conduct that produces such efficient sober ability. First-hand experience with drink freedom, no less than the demands of industry, is casting doubt on the old beliefs that drink is the working-man's friend and his chief solace under mistreatment. The man of high skill will not long continue a moral or "personal liberty" claim for that which is seen to weaken his most valuable asset.

(3) *A Wider Diffusion of Wealth*

The wide and increasing diffusion of wealth among the laboring people of the United States that seems to be taking place in recent years, is, in the opinion of such economists as Carver of Harvard, closely connected with the removal of several factors that, in the past, have combined to keep opportunity away from the masses. Among these, along with low wages, he includes as one of the most significant, the heavy burden of money lost in

alcoholic drink. "The enormous waste of money on drink dissipated such savings as laboring men might otherwise have made from their low wages," he says. "Prohibition is tending to remove this hindrance."

It is that share of the money formerly spent in the saloon that, going now into savings, counts in this direction. The worker today has become a part of the investing power of the nation. Labor is becoming a capitalist, not alone thru the great increase in the number of labor banks, which are beginning to play a prominent part in financing industry and in the building of apartments and homes, but also thru individual purchases of corporation stock by employees, many of whom in the past could save nothing on account of saloon expenditures. Such ownership brings a new dignity and a sense of power that mean much in disputes with capital, and it stabilizes both labor and public confidence in periods of hard times. Labor banks are being established widely. Along with increasing investment by workingmen in the capital of their companies, there are coming increased occasion and demand for a share in their management; co-operation is replacing rivalry between capital and labor. Property, higher wages, better organization, natural resources—yes, but without drink banishment these great advantages would have lost their value to labor. Capital would have absorbed

a much larger share of the gain. In "the old days" increased prosperity meant, first, increased drinking, then decreased efficiency. Now it means increased comforts, opportunities, investments—*and control over capital.* While many of the so-called "privileged classes" have been patronizing the bootlegger, a large share of the working classes have been using or saving the money that went into beer and are becoming capitalists.

Drink banishment, removing a handicap of past ages, has begun to release tremendous new energy, in personal ability and money resource, from which the workingman is profiting more than anyone else.

(4) *Gone—The Labor Inferiority Tradition*

"When men sober up they pick their jobs" expresses tersely a tendency noted by practically all economic writers and social investigators of industrial conditions where prohibition has been reasonably well enforced since the passing of the saloon. Steady work, regular hours, better homes and better clothes, a wiser use of rest periods, a little saving —perhaps larger savings, under accompanying general prosperity—strengthen morale and bring a new sense of personal and group ability that not only produces more and better products for the employer, but also an enlarged sense of independence and self-respect that opens the way to better

positions, better pay and more effective organized effort.

In these first few years since the adoption of the Eighteenth Amendment it is the economic advantages of saloon removal and of easy access to drink that are most generally acknowledged both by friend and opponent of prohibition. The law is as yet but partially recognized in many industrial communities; there is much "bootlegging," home making and illegal importing; there is much corruption of enforcement officials and evasion by police; many of the so-called "better" social and sporting classes and former drinkers, among poor and rich alike, continue to get a supply of alcoholic drink; and the results of a moral or social character are hotly disputed. Yet in this whole complex problem, there is little doubt that prohibition and saloon removal have meant for vast numbers a great saving not only in money already earned, but even more in man-power and its future possibilities.

Employers agree that there is a marked reduction in the number of men discharged for drunkenness since the coming of prohibition; that the labor turnover is much less, that Monday morning is not so disorganized by failure of men to come to work on account of Saturday and Sunday drinking. But what does this mean to the worker? Not only more steady wages but improved opportunity to advance, better recognition of his own place in the

organization and the ability to put into operation, with the co-operation of his fellows, a demand for the improvement of working conditions and a larger share of the profits of the business.

Along with limitation of cheap labor from abroad, this increased economic and moral efficiency is becoming a factor of much and far-reaching significance. It was because liquor "tends to enslave the people, to make them satisfied with improper conditions and to keep them ignorant," that Tom L. Lewis, former president of the United Mine Workers, fought the saloon years ago. Alcohol deceives a man, making him content with the present and unable to appreciate the weight of his misery. "There is no easier way possible to make the unfortunate man, or the oppressed worker, content with his misfortune than a couple of glasses of beer." The wide saturation of working-men in crowded and disagreeable industrial communities accomplished this very result. When reaction did come, when strikes occurred, they too often took the form of violence—the natural recourse of the brutalized—without regard to the fact that destruction tended to aid the opposition by alienating public opinion. For it is the brain, not brute force, that must be the weapon employed against shrewd and overbearing capital.

Formerly pay checks were often cashed in saloons, in some cities almost wholly so. What did

it mean? That much of the money never got past the bar. A large coal company of Chicago and Milwaukee in 1897 reported, from watching the cancelled checks paid its several hundred employees during a period of two months, that 57% of those in Milwaukee and 64% of those in Chicago were cashed by saloons. These included laborers, clerks and superintendents—workers of all grades. All of this is now eliminated; checks are cashed in retail stores, savings banks and by employers themselves. The needs of the family, the savings accounts, the installments on the auto—not the saloon cronies—get first chance at the wages. Now, as an editorial in a New York clothing trades journal expresses it, "Sober men deck their wives out decently, buy good garments for their children and are careful of their own appearances."

Drunkenness is one of the greatest factors in the waste of man in modern cvilization. As Professor Carver says, "One hindrance to the mobility of labor is drunkenness. In this interlocking civilization with its multiplicity of interdependent parts, dependability is one of the most valuable of all economic qualities. Nothing so unfits a man for the higher economic positions as undependability. Next to lying, stealing and killing, drunkenness is the most destructive of all vices because it strikes directly at a man's dependability. Widespread drunkenness merely means, therefore, not only that

large numbers who might otherwise be promoted to the higher positions cannot be promoted, but also that many who might have continued to hold higher positions must be demoted. This would tend inevitably toward the congestion of the lower occupations, where men can be watched and supervised."[2]

And in another place he concludes: "It is probably more than a coincidence that the most striking evidences of the diffusion of prosperity, especially among the working classes, synchronizes with the period of National Prohibition tho the restriction of immigration came at about the same time. These two laws are probably the best laws ever enacted in this country in the interest of the laboring classes."

In pre-prohibition years an industrial compulsion, equivalent to industrial prohibition, was enforced by many large industries thruout the country. Steel mills, railroads, factories of various kinds had severe restrictions for the purpose of guarding against accidents, poor work, loss of time, fire and theft. Now legal prohibition of drink, tho only partially effective, has supplemented these industrial requirements. The state, of which all are a part, has acted for the common good, instead of the employer for his own interest alone. It is a more democratic form of prohibition. As the one form of prohibition led to greater freedom from

danger and accident, may not the other, bring an even larger sense of actual freedom from the real burdens of every-day life?

For, if as has been said, "Men become free as they develop instruments thru which they can exercise power and not otherwise," it would seem fundamental that the ability to choose a better job, to observe and to demand effectively better income, to own a home and to be capable of co-operating with increasing effectiveness with one's fellows for the accomplishment of common interests without the clogging effect of alcoholic drink, are practical instruments for the accomplishing of individual and group liberty.

(5) *The Changing Trade Tradition*

The simple fact that for ages the making and selling of intoxicating liquor has been a trade as openly recognized in the community as are other trades, and that this has been radically changed in the United States, is an important factor in the present situation.

For several centuries restraints and measures of liquor control have been thrown around those engaged in this trade, in recognition of the peculiar social dangers connected with it. The drink seller as a tradesman has occupied a double, and sometimes a contradictory position. First, it has been his place to supply a felt need for intoxicants and,

second, he has been held responsible for unfortunate consequences that are not merely incidental to the business but inherent in the article sold. While his neighbor, the meat dealer, was accountable only if he attempted to sell spoiled meat, not for the over-eating of his customers, the saloon-keeper could not escape a social and often a legal responsibility for the degrading effects that came from ordinary, every-day use of the article that he sold.

As a consequence of this double character the liquor traffic in America, in the half-century before the prohibition period, became a trade vastly unlike those that contribute to healthful human needs. Based economically on a narcotic crave, which, when fully developed, tends to lower the standard of living and the power of supplying other demands, it came to be intensely aggressive, unscrupulous and unlimited in its ways of creating new markets. Advertising and promotion were carried to almost any limit; habit and trade became mutually "cause and effect." The old-fashioned type of drink-seller, in the face of the modern commercial organization of the drink traffic, almost disappeared. A few respectable German beer sellers continued in middle-class residential communities, as did other respectable dealers here and there, but their number was being constantly reduced, while the patronage of the ordinary saloon-keeper, pro-

moted by the brewer and the advertising of the whisky maker, grew exceedingly profitable.

Now that the legal trade has ended, the last semblance of respectability in the trade has gone with it. The former decent dealers have found other occupations, while the great majority of sellers, who seldom obeyed any law controlling or regulating the saloon in the past, now find themselves right at home in the illegal traffic that remains.

(6) *Gone—The Legal Standing of the Trade*

The coming of National Prohibition completely ended the conflict in public opinion that had been going on for half a century, about whether or not the liquor traffic should be licensed or specially legalized. On one hand it was believed that a certain amount of drink was necessary and desirable in society and should be made available under restrictions that would guard against abuse and the well-known excesses; it was believed that the paying of heavy fees under a special license or other form of permission, limited to certain individuals, was the proper legal way to handle the trade. On the other, it was believed that the dangers were inherent in the liquor itself, that the vices of the saloon were chiefly those that came from alcohol, that the sale could not be controlled in such a way as to protect the public and that, therefore, the licensing

of such a traffic gave it public permission and endorsement and that this approval made respectable a traffic, which, judging by its normal outcome, was viciously contrary to the morals, health and safety of the community.

It was said that the educational effect of law is to train either upward or downward, that the license law teaches that the traffic is all right, if a sufficiently high fee is paid, and that it thus puts the ethical aspect of the question on a money basis; that, if the sale of liquor supplies a real need, the trade should not be made to bear such an unusual heavy burden in public support, but that, if it is contrary to the public welfare, license can not justify the social wrong.

If National Prohibition in its first few years has done little more than remove from the liquor traffic its former legal standing and protection as a legitimate business and opened the way for public opinion to operate freely against the commercialized liquor traffic, it has accomplished something worthwhile.

(7) *Liquor Advertising Has Come to An End*

A few years ago many great daily newspapers, the popular weeklies and the monthly magazines were filled with the most attractive liquor advertising that the best paid experts could produce. Bulletin boards along the highways, in the cities and

by the railroad proclaimed the merits of certain beers and whiskies. Store fronts of saloons displayed the most attractive looking drinks. Curiosity and desire were aroused, stimulated and intensified by never ending promotion of the joys connected with drinking. All this has ended.

Few great modern industries would be what they are or could continue in competition with other industries appealing to human needs if it were not for modern publicity thru advertising.

(8) *Economic Power of the Drink Trade Weakened*

The economic power of the drink trade is greatly weakened and is becoming less every day. Ten years ago it was a "big business," one of the greatest in the country, attractive to investors and with all the political influence that a highly organized "big business" was capable of exerting. Investment in it is now the investment of a gambler. The capital which goes into it faces extreme uncertainty. The boot-legging or rum-running "trade" may be a gold mine one day and a stupendous loss the next. The systematic intense promotion of excess has been ended. Men must now seek liquor; formerly liquor sought men.

(9) *Changing Drink Motives*

Since the coming of National Prohibition there

is a considerable amount of what may be called "adventure" drinking. It seems to be prompted by a desire to experiment, to try the forbidden thing, to see how it goes. Some patronize "bootleggers" so as to be able to offer it to friends and to let them know that you are able to get it. It is the dare of it all, the sport of "putting it across" against the ban of convention, community approval or law.

This adventure motive existed naturally but almost unnoticed previous to legal prohibition, wherever strong social, moral or religious influence in the community had placed disapproval on drink practices or legal limitations on the age of the drinker. It was noted in local and state prohibition areas after popular action against the saloon. It is especially strong at certain ages and among those whose minds never reach beyond the act of the moment.

While not new, this drink motive has found much wider and more frequent expression under National Prohibition than it did when the restricting units were local or chiefly social. The existence of new prohibitions gives both more occasion and more challenge to let others in the group who admire this sort of thing know that it can be done.

Yet its operation normally passes with growth in years. If drink indulgence has not become an established personal habit, or if the drink crave has

not been created by many repetitions, this sort of drinking does not lead to permanency of custom or to life habits. It does not establish itself as did the open-saloon drinking or that of the club or of the social group, the influences of which continued year after year with unbroken continuity and insistence. At the same time the amount of liquor actually consumed by adventurous youth drinkers is very small, compared with that taken by young men who frequented saloons regularly in past years.

Systematic drinking at saloons that leads to life habits has been eliminated; the constant pressure of social drink customs has been reduced; "adventure drinking" is a passing phase.

(10) *Changes in Recreation and Amusement*

The tremendous increase in the number and variety of popular amusements in the past few years, especially the coming of the "movie," the auto and the radio, together with the increased accessibility of older sources of recreation, such as ball games, and the enlarged income and savings that enable great masses to take advantage of them, constitute together a factor of exceeding importance in the drift away from alcohol in America. Drink is being out-substituted at the point of its greatest hold on human need. It is being demonstrated that the non-drinking life is not "the grey life" that so many friends of drink feared it might be. It appears to

be, on the contrary, a more joyous as well as a more healthful way of gaining recreation and amusement.

The new generation that is coming on since drink was banned as a popular means of gaining release from care, overwork and worry, is finding recreation in many ways never dreamed of a few years ago. As Prof. Ross illustrates: "In Kansas towns a generation has grown up without recourse to liquor, and one hears more young people singing of an evening in a Kansas town than one hears in the lands of the vine. In the eighteenth century much hard toping went on among American college students. . . . In its place have sprung up many varieties of 'high jinks' unknown to the college of older time—'rushes' and 'hops,' 'song fests' and 'circuses,' athletic 'meets,' football 'rallies.' With wassail or without, the spirit of youth will sparkle."[3] And this change is taking place among other young people and the general public as well.

In past years most of those who became heavy drinkers, as shown by frequent investigations, began when young and as a result of a social invitation. Nearly always the first motive was to be friendly with "the fellows" or to express appreciation to a host. Then the custom of depending on drink for good fellowship became continuous. It was the expected, natural thing to be done, outside of the distinctively abstaining and temperance

classes. Now that a new view of social recreation is beginning to prevail, the strength of this social pressure may be expected to die out and drink habits with it.

(11) *The "Poor Man's Club"*

The tradition that the saloon is "the poor man's club" has been exploded and the claim that drink is a special friend to the hard workingman seriously disputed by the change in conditions that has been occurring since National Prohibition was adopted. The legal banishment of the saloon itself is but one, tho a main, factor in the situation; others are the increased standard of wages, the general prosperity, the comparatively little unemployment and the restriction of immigrant labor.

Very few even of its former patrons want the saloon back; the occasion of its service as a social center for workingmen of small means has passed, along with the legal ban on "booze," its chief article of sale. The free lunch, the reports of games and prize fights are now available in other and more healthful ways. The movie, the soda fountain, the auto for a trip that includes the whole family or a party of friends, increased attendance at baseball games, better homes, music and radios in the homes, are supplying the social needs formerly supplied in less desirable ways in the saloon. The money formerly spent for drink in large part helps to make

these comforts and means of wider enjoyment possible.

Gone, also, is the treating custom that added so greatly to heavy drinking. Promoted by the saloon, it became a force that few could resist; to treat the whole crowd, to "buy back" when others had first "set 'em up," to go the rounds of the room or the rounds of the saloons of the town until money was gone was too often the outcome of this particular code of saloon ethics and sociability.

To be free from this pressure is a new sort of freedom worth acquiring, even if legal prohibition was necessary to make it possible.

(12) The effect of even the partial banishment of alcoholic drink on health as it is being noted since the adoption of prohibition, of special significance to youth and the future, is given by Dr. Louis I. Dublin, as follows: [4]

"We may summarize our findings as follows: That the prohibition period is characterized by sharply declining mortality rates among children and adolescents of both sexes, and that this decline is characteristic of a number of additional age periods among women. The improvement is retarded among young male adults and disappears altogether during the middle years of life in that sex. In fact, the mortality has definitely risen among men, after age thirty-five. All together, we may safely say that over half of the total popu-

lation has experienced a very favorable mortality during recent years. One might even go a bit further and say that the facts are consistent with an assumption that the conditions of life during the period of the new legislation have been beneficial to this large part of the public. A little arithmetic will show that there has been a saving each year of about 14,500 children under age five, another 2,000 each year between ages five and ten, and another 1,000 between ages ten and twenty. This makes a total of approximately 17,500 young lives a year."

(13) *A Growth in Social Consciousness*

Gradually, but surely, there has grown up thru the century of struggle about drink the impression that there is much more in this problem of drink than the first simple effects on the user, or his freedom to accept or reject those effects for himself. Since they so largely fall on society, liberty of choice in this respect, much more than in other choices of every-day life, calls for thought about the welfare of others. But here is just where it becomes increasingly difficult or impossible for the drinking man to draw for himself a line of distinction between that which is merely enjoyable to himself, undoubtedly his right and privilege, and that which invades seriously the rights of others. For the effect of alcohol in dulling first the highest ca-

pacities of mind and conscience, those most recently developed in the evolution of the race, and in making increasingly imperative the desire for drink, must be taken into account if any scientific estimate is to be made of what justly constitutes liberty to drink. Or, in the larger field, if it is desired to know whether drink distribution and the right to make a living by selling it, are to be regarded as social or anti-social acts.

From the viewpoint of psychology, no less than from that of social service and religious ideals, it is coming to be more generally appreciated than heretofore that each individual is a part of the society in which he lives; that the conflict about such satisfactions as those which alcoholic drink afford is a conflict between the individual's own more personal and more social desires, and that the conflict in society is really one between these two interests in each of us enlarged to include all of us. The question then becomes, Which is to function if both can not? Which is to prevail, or be limited, when a head-on conflict arises such as that caused by the intolerable social burdens of alcoholic drink and the liquor traffic?

In the pioneer conquest stage of human society, the individualistic tendencies were most useful; therefore, they have survived and continued with increasing strength. But for the present, and even more for the future, the co-operative tendencies are

bound to have a larger place of usefulness. It may be that society has reached a place at which further development of the acquisitive desire, applied to such acts as the sale of alcoholic intoxicants, and of the self-assertive desire, applied to such doubtful acts as self-alcoholization, should be laid aside, voluntarily or by public removal of the source of supply, if not otherwise, to permit the normal growth of the personality of others and the welfare of society of which each is as much a part as another.[5]

But, as a British writer says: "We are told that the wrong lies in the abuse and not in the use. True, but not the whole truth . . . . alcohol is so alluring, it has such peculiarly seductive charms, it can and so often does appear as an angel of light; it is still so bound up with the innermost life of the nation, that only the 'expulsive power of a new affection' will drive it out, and the motive of that affection must be 'for their sakes.' I have a right to use alcohol—I have a sovereign right to enjoy what I like—but I have a higher right, the power to surrender my likes for the sake of others. It is this which has been the true secret of all progress. . . . Alcohol has a power like nothing else on earth . . .

" 'It will turn the hand of the father against the mother, the mother against the child, the husband against the wife. It will wrap in its toils the young man in the pride of his manliness and wither him;

it will make the fair young girl such a thing that the vilest will turn from her in disgust. It will so deceive the mother that she, knowing it destroyed her first-born, will yet offer it to her second. The father will know it destroyed the hope of his home, and yet lift the deadly draught to the lips of others. Legislators know it has sapped the roots of States, and yet protect it.'

"Place it in its true setting—let there be light and shade; on the one hand the pleasure of moderate drinking, even, it may be, its utility, and on the other hand place its havoc—the blighted manhood and blasted womanhood. Stand back, and slowly but surely, out of the centre of it all there appears a Cross, and it is only by the way of the Cross that the Crown can be reached."[6]

It is a choice that those thinking, feeling, living in their larger social selves will not hesitate to make.

A Conscious Effort to Change the Heritage

In adventurous mood representative American people a century ago, here and there quite widely over the country of that day, undertook seriously to reduce alcoholic intemperance. It was among the descendants of the colonists, founders of the new republic, that the vision of this new people, freeing itself from drink, first appeared.

Attempts to make that ideal a reality came as a direct and natural reaction against the damage that

drink was doing in their homes and in the homes of their neighbors. They sought first by personal and moral efforts to reduce excess; moderation and not removal, was the earliest objective of the temperance movement. It was not until after much bitter experience that the call for complete abstinence from all intoxicants was made, and then it was only after many more years of experience with newly reformed drunkards continually dropping back to their cups and the drink seller continually enlisting new forces of drinkers among the young that legal restriction and prohibition came to the front as methods of solution.

It was the children of those who declared the independence of the country, fought for ideals of liberty, formed a new type of representative government and settled the central western valleys who first defied the drink tradition and attempted to restrain its force by "moral suasion," education and religious efforts. And it was their children in turn, men of similar vision and adventure, who experimented first with legal banishment during the period in which they were opening the west. This they did, not as a substitute for the educational efforts of the temperance societies, but as a supplement to help reach sources of the trouble that they had found could not be effectively reached by what was already being done. It was in communities as widely scattered as Maine to Kansas, where other

forms of temperance effort had been extensive and continuous, where a high percentage of non-drinkers had been secured and where anti-drink sentiment was most intelligently developed, that the more drastic steps were first taken. The appeal to law came only when force had to be met; when moral, educational, persuasive and religious efforts failed to secure adequate results. Starting out to remove the dram shop from their own door-yards, they extended the idea into wider and wider areas until it reached the ideal of a Nation Free From Drink.

From a very early period there are evidences of a conscious endeavor to remove the drink influences of childhood. Among the first appeals, such as that of Dr. Rush with his strong emphasis on health as the objective of temperance, was one to save the children from falling into such habits—not merely to save drunkards. Quite early the movement became a huge democratic experiment by a people who wanted to improve themselves and the social environment that they expected to hand down to their children.

Among the older American stock, the few who remained in recent years in the great crowded states of the east and the many who filled the Mississippi Valley and the western and southern parts of the country, the final goal of the drink struggle for many years was National Prohibition. The

impression that it came suddenly was found among those who from the first had opposed drink restriction, or who had come into the country after the early struggles were far advanced.

The independent old American stock among whom the movement grew, themselves previously hard drinkers, inspired by religious motives dared to tackle a terrific social problem in the free, experimental spirit in which they tackled the forests and the plains. Then out of their own experience and common sense—the precursor of later exact scientific investigation—they started to remove the traditional enticements of alcohol from the future of the great nation that they expected to arise. They began *consciously to choose an alcohol-free environment* for their children. Their courage and practical sense refused to be balked by social burdens that they believed could be removed. Their religious ideals seemed to anticipate the later scientific attitude that "animals had to take what they found around them, because they could not alter it; man can make himself in whatever image he likes by choosing the environment which will call forth that image."

The later temperance movements of a half-century or more spread this ideal thruout the country by and among the people of this same older American stock. For three generations they developed it, experimented with it, learned by rough experi-

ence both its limitations and how, under practical politics and with growing industrial co-operation, to get definite results. They faced a tremendous growth in the power of the organized liquor traffic and the constant counter influence of a vast immigration that added as many as a million a year to the opposition, and finally carried thru the ideal of a dry America, by vast majority tests, to the stage of national law.

This vision may best be expressed, as it was at the time, in the words of Abraham Lincoln, that most democratic of Americans, more than sixty years ago, who, looking forward to the time "when there shall be neither a slave nor a drunkard on the earth," said, "How proud the title of that land, which may claim to be the birthplace and the cradle of both of these revolutions that shall have ended in that victory. How nobly distinguished that people who shall have planned and nurtured to maturity, both the political and moral freedom of their species."

Shall We Continue the Adventure?

Begun under old American ideals and culture and brought to a culminating decision at the time of the maximum influence of a partially assimilated new immigration; begun in a spirit of persistent seeking after practical solutions for vexing problems that knew no defeat and culminating in an

era of luxury, wealth and indulgence; begun in a spirit of unselfish devotion to social welfare and completed in an atmosphere of after-war reaction toward materialism; begun in a largely homogeneous people and now finding its most severe test among an extremely mixed population, prohibition in the United States is facing and meeting a practical experience far more severe than ever its pioneers imagined. The question is, Will it be permitted to continue thru a trial period of reasonable length? For it can not be expected that less than a full generation, with opportunity for both forward and backward comparison by vast numbers of people for themselves, shall constitute an adequate basis on which a democratic people may decide for themselves as to whether or not they want permanently a nation free from drink.

While there is much violation of the new prohibition law, with illegal importing, illegal diverting of industrial liquor to "boot-leg" purposes; while private making has increased and home-brewing, home wine-making and distilling are constantly being reported, the broader view is that these are but new forms of the old liquor traffic which operated at wholesale to produce an amount of drink-debauching wholly impossible except thru gigantic business machinery, openly distributing great quantities of liquor.

The Present Situation

Already reduction in the steady, quantity distribution of intoxicating drink, the removal of easy access at the saloon and the elimination of continued promotion of the drink desire by advertising have changed, to a marked degree, conditions of early childhood, which have so much to do with the direction that a growing young life is to take. It is a general testimony that better use of wages, better income, better school attendance, less of coming home drunk, have followed prohibition, locally and nationally in proportion as it has become effective.

Now, with the example and authority of government transferred to the side of temperance rather than on the side of liquor promotion as it was in the days of license and legalization, with the new immigration restrictions that have come in the past few years, with the enfranchisement of women, with the spread of wealth to larger numbers and the prosperity that this makes possible, the vision of the fathers and mothers, the dry America ideal, may be expected to work out steadily into accomplished fact. The drink tradition—its seeming necessity—is broken; it can hardly be renewed in the face of modern science and the scientific method of estimating social worth. Those who did not share in the movement to obtain prohibition, with oppor-

tunity now to see for themselves what drink removal in the communities where it is in large part or wholly effective and to experience some of the economic advantages that come from better earnings and use of income, are gaining from practical experience a substitute for the temperance education that was carried on so widely among the earlier generations.

But the educational effect of this every-day experience, during the present testing period, is not all on one side of the controversy. Many families in the recent immigration sections of cities and smaller places as well have found a profitable source of new income in illegal liquors made at home. Having been accustomed for years to make wines or other liquors for their own use before coming to America and since and knowing how to do it effectively, it has been easy to increase the amount and to supply the needs of "boot-leggers" and wealthy Americans who are ready to pay high prices for such products. The extent of this illegal "home brew," wine making and distilling, can not be known, but it is adding an income that is making those who care to engage in it prosperous, even while the giant's share of the profits go to the "boot-legger," the man who makes a business out of selling and evading the law, rather than to the small home producer.

On the other hand, there is the counter-attraction

of better living in a vast number of homes that is replacing drink custom and practice by other interests that have become more desirable. The rivals of alcohol are winning among those who prefer to be law-abiding, as illustrated by the incident of an Italian family given by a settlement worker of Chicago:

"There is Mike Spoleti, who used to be in my classes. Three years ago he told me his father had to have wine every day, so he made about five hundred gallons. That same year he began buying an automobile on the installment plan. The next year, just when it was time to make wine, there came some lovely weather after a long spell of rain. They all went riding in the new car evenings and Sundays and only a little more than one hundred gallons of wine were made. And this year Mike said to me: 'So warm, so good roads everywhere. My father not both to make wine, only little, maybe ten gallons for God's birthday at Christmas. Just ride, ride in country all the time.' "[7]

The drink customs of the foreign-born are readily dropped, especially in the transfer to a second or third generation. The younger people wish to follow American ways and will readily give up drink customs, provided those about them of longer-standing American citizenship are themselves loyal, in personal practice and ideals, to observance of the prohibition law. The customs from other lands

are by no means insurmountable obstacles to the operation of the Amendment. No better illustration of the transition taking place, even in the heart of the most neglected and crowded foreign sections, can be found than that in a statement by Jane Addams, long the head of Hull House, Chicago, who says:

"Here around Hull House we used to watch whisky and beer being left at saloons by the dray-load. The poverty and suffering from drink were appalling. There is such a difference now that it seems like another world. Our poor are moving away into better places. The whole standard of life is rising for them. Drinking has decreased and so has our work of rehabilitating families wrecked thru intemperance. We have hardly any more squalid homes and neglected families to deal with. The stuff folks get now makes them uglier, but its evils are offset by the difficulties of getting it. I would not see the old system again for anything."

Where the Answer Lies

The answer to "the great American experiment" today lies not among the foreign-born, nor in the west nor among the great middle classes. It lies with the influential old American groups of the East, and especially in those sections where the sharpest contrasts in "new" and "old," wealth and

poverty, "class" and "mass," privilege and lack of opportunity, are most often and most closely associated—where inducements for law violation are most continuous and most profitable. Perhaps no illustration is more apt than this, from the questionnaire of a social worker in Newark, N. J., as given by Mrs. Bruere:

Is there prohibition in Newark, and what are its social consequences?

"Well," he smiled, "prohibition hasn't been tried in Newark yet."

"Why?"

"There are many reasons. Newark is an old conservative town. It has the old drinking habits of Puritans—a bottle on the sideboard. It doesn't like changes, doesn't take kindly to reforms. The old families, fine old families of early ancestry, used liquor. They continue to do so. Newark is conservative. Foreigners make this liquor—always have, and Newark has a large foreign population working in its factories."[8]

These are the people among whom "the Yankee cultural experiment" is being most severely tested —the mixed populations, overwhelmingly "foreign" or children of foreigners; yet with a group of old Americans, at the top of the social ladder, wealthy, "privileged," whose influence in setting social standards in politics, in industrial control and prestige, are all out of proportion to their numbers,

and who, too often, are unwilling to give the undertaking a real trial.

Much depends on the attitude of these "old Americans," now among the wealthy and influential. Many of them are unsympathetic; some seek to retain drink for themselves while favoring its removal from the neighborhood of their factories. They have not been loyal to the operation of the constitutional method of decision. They are chief among those who make "boot-legging" profitable and who give home wine-making by foreigners a market. *They constitute the crux of the present situation.* In these first years of prohibition the heaviest violation is at the "top" and the "bottom." The middle classes have greatly reduced drinking; labor generally is law-abiding, even when feeling the loss of beer; but those who seek special privileges and their imitators are causing most of the trouble.

The real menace to the prohibition experiment comes out of American life itself—out of our riches, our characteristic lawlessness, our selfish individualism that cares not for the consequences of acts that fall upon others. It is the desire for advantages that others do not possess, the desire to show a small group of admirers that it can be done, that supports the "boot-legger" and his protection-purchasing business and that creates a moral jeopardy in the family of the recent immigrant who happens

to bring with him from another country a knowledge of how to make intoxicating drink. It is for the "over-privileged" that children in the homes of "the underprivileged" are sometimes taught to "tend still." For no rum runner operates to supply the thirst of the man who earns but four dollars a day.

Toward Greater Freedom

No ideal of the American people has been more sacred, since the first adventurers reached the eastern coast, than that of the pursuit of freedom. With scientific application fitting it to new knowledge and present-day living conditions, it yet is as sacred as ever. The struggle against drink and its deadening hand on human personality thru the ages may well be considered one of the ways of continuing the struggle for personal and group freedom. It makes the conflict concrete, real, against a suppressing fact and force of present-day bondage, not merely against dead forms of the past. "What our forefathers were concerned about," says Prof. Ross, "was freedom from the orders and prohibitions of men. They never dreamed of being free from the tyranny of distance, of sickness. In their time the stumps, mudholes, swamps and streams were virtually the walls of a prison. Then at last came good roads, and the automobile, giving the settler's grandson access to the world's oppor-

tunities and duties. But in return he must obey the traffic regulations. Is he, then, free? The pioneer groaned under the yoke of malaria, smallpox, cholera and other dreadful diseases. Modern medicine releases his grandson from this yoke, but for it he must pay a trifle in the way of conforming to public health regulations. Has his liberty suffered? Under our laws multitudes of moderate drinkers are required to make a small sacrifice of gratification to the palate. In compensation there should be no drunkards weighed down by the chains of habit, no wives and children deprived of food, fuel and clothing for the stuff poured down the father's throat. So it is not fair to say we are careless of freedom. By its effort to do away with fear, ignorance and lack of skill, our democracy is really trying to make the common people free as never before in the life of the race they have been free."[9]

Drink prohibition is a very real step towards freedom because it sets free human personality—personality previously degraded by drink, personality that never had opportunity to know itself. The millions of children, doomed to drinking homes from birth, never were able to realize themselves; too often they grew to manhood dwarfed in mind, lacking opportunity and health; they were kept from school to earn support for the family or themselves. Overwhelming has been the testimony,

following state prohibition and national alike, of an increase in attendance at school, with all that it means to the on-coming generations.

The removal of the ancient, unexamined tradition of drink has released ability to be and to do hitherto unknown or unappreciated; the better home, the larger available supply of money, the necessities met, the comforts and recreations acquired, are very real liberating forces to the man who has given up his dependence on alcohol. The new freedom is one from thralldom to a drug habit, from personal inefficiency that tends to grow worse, and never less, as drink is continued, and from the political domination of the liquor trade widely organized as it was in the United States before its legal power was broken by law. As Prof. Fisher puts it, liberty "is the power to satisfy the major human instincts, such as the instinct of self-preservation, the instinct of workmanship, the instinct of self-respect and the instinct of home-making. . . . Alcohol interferes with that true individual liberty, just as do opium, morphine, chloral or any other habit-forming drug."[10]

One of the most hopeful factors in the situation is that alcoholism can be reduced to a minimum or eliminated as serious contagions have been in recent years. This will mean a new environment into which children will be born in the future and under which they will grow up. For alcoholic injuries

are not now understood to be physically hereditary. But they are socially hereditary, intensely so, and socially contagious. Removal of this heritage clears the way for a new generation, free from the pull of drink influences.

Drink removal, of which prohibition law is but one essential step, is knowledge applied to known dangers; it is a serious attempt to use accumulated experience to aid the conditions of further growth. Such action, intelligently applied to clearing up the environment, may be expected to lead to growth as a noted scientist has said, "wholly beyond scientific conjecture." For "we know that the naked baby is the same whether its social milieu is to be Athens or Chicago; we can state emphatically that, tho the small differences between man and man may be due to heredity, the great differences, the important differences, are due to *what the social milieu does* with the little differences."[11]

To defend those whose rights and liberties were menaced by the age-old superstition of alcohol, the families and children of drinkers, the dependents who were deprived of their means of support, the health of the race that was being injured by the effect of alcohol on the germ plasm and in early childhood, the innocent in the community who must bear the expense of the public support of drink-derelicts, the progress of the community and state and nation that were being retarded by the ineffi-

ciency of a large drinking constituency, far more than the desire to save drunkards from themselves or preserve their morals—tho, these too, were included—were the ideals back of the movement to cast alcohol out of the community and the nation. No other way in a hundred years of intense experimenting, could be found adequate even to stem its never-ending increase. For a gigantic traffic had commercialized the drink superstition, finding in it a source of immense profit and political power, and had fought the application of scientific discovery, industrial efficiency and public hygiene to this particular superstition of former savage days.

The realization of a society free from "drink" is not an event; it is a process, an evolution, not a revolution. It is now going on; it includes too many changes to permit completion in a short time; nor need it come suddenly, as adjustment to the new situation may cause other difficulties in themselves serious. It is not reasonable to expect sudden changes in customs; "folkways" linger in spite of law; people continue to act from them for a time almost automatically. When slavery was abolished it did not immediately disappear; the old psychology remained, both in former slave and former master. But that was no reason for keeping the black men longer under legal slavery; change had to be made, severe as it seemed at the time. So with National Prohibition. The vast

majority, acting according to the safe-guarding processes of the Constitution, felt it to be necessary, even if large numbers did not yet fully understand why.

CHAPTER VI. REFERENCES

(1) Chas. Reitell, "Men, Machinery and Alcoholic Drinks," 102-108.

(2) Thos. Nixon Carver and Hugh W. Lester, This Economic World, 55.

(3) Edward A. Ross, "Prohibition as Seen by a Sociologist."

(4) Louis I. Dublin, "Health and Wealth," 301 (1928).

(5) The social welfare motive of the movement against alcoholism is expressed by Prof. Carver as follows:

"The fight against alcoholism is the only great reform of the present day that is carried on by people who have nothing personal to gain from it. The only people who should, from their own standpoint, be interested in it, that is, those who are addicted to drink, are almost unanimously fighting on the side of drink rather than against it. Nothing but a general interest in the public good is motivating the fight against drink." "This Economic World," p. 103.

(6) Courtenay C. Weeks, The Nature and Nurture of Life, 95-96.

(7) Martha M. Bruere, Does Prohibition Work? 284.

(8) Ibid, 266.

(9) Edw. A. Ross, "Civil Sociology."

(10) Irving Fisher, "Prohibition and Personal Liberty."

(11) John L. Davis, "The New Age of Faith," 252.

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